



Rep. Kathleen Willis

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1 AMENDMENT TO SENATE BILL 1966

2 AMENDMENT NO. _____. Amend Senate Bill 1966 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Fix the FOID
5 Act.

6 Section 5. The Freedom of Information Act is amended by
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other records
6 prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a local
5 emergency energy plan ordinance that is adopted under
6 Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

10 (k) Law enforcement officer identification information
11 or driver identification information compiled by a law
12 enforcement agency or the Department of Transportation
13 under Section 11-212 of the Illinois Vehicle Code.

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the Capital
25 Crimes Litigation Act. This subsection (n) shall apply
26 until the conclusion of the trial of the case, even if the

1 prosecution chooses not to pursue the death penalty prior
2 to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record ~~Records~~ Review Act.

15 (r) Information prohibited from being disclosed by the
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained in,
21 stored in, submitted to, transferred by, or released from
22 the Illinois Health Information Exchange, and identified
23 or deidentified health information in the form of health
24 data and medical records of the Illinois Health Information
25 Exchange in the possession of the Illinois Health
26 Information Exchange Authority due to its administration

1 of the Illinois Health Information Exchange. The terms
2 "identified" and "deidentified" shall be given the same
3 meaning as in the Health Insurance Portability and
4 Accountability Act of 1996, Public Law 104-191, or any
5 subsequent amendments thereto, and any regulations
6 promulgated thereunder.

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed Carry
17 Licensing Review Board under the Firearm Concealed Carry
18 Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (w) Personally identifiable information which is
21 exempted from disclosure under subsection (g) of Section
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure
24 under Section 5-1014.3 of the Counties Code or Section
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling
2 statute, the Elder Abuse and Neglect Act, including
3 information about the identity and administrative finding
4 against any caregiver of a verified and substantiated
5 decision of abuse, neglect, or financial exploitation of an
6 eligible adult maintained in the Registry established
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality
9 review team or the Illinois Fatality Review Team Advisory
10 Council under Section 15 of the Adult Protective Services
11 Act.

12 (aa) Information which is exempted from disclosure
13 under Section 2.37 of the Wildlife Code.

14 (bb) Information which is or was prohibited from
15 disclosure by the Juvenile Court Act of 1987.

16 (cc) Recordings made under the Law Enforcement
17 Officer-Worn Body Camera Act, except to the extent
18 authorized under that Act.

19 (dd) Information that is prohibited from being
20 disclosed under Section 45 of the Condominium and Common
21 Interest Community Ombudsperson Act.

22 (ee) Information that is exempted from disclosure
23 under Section 30.1 of the Pharmacy Practice Act.

24 (ff) Information that is exempted from disclosure
25 under the Revised Uniform Unclaimed Property Act.

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle
2 Code.

3 (hh) Records that are exempt from disclosure under
4 Section 1A-16.7 of the Election Code.

5 (ii) Information which is exempted from disclosure
6 under Section 2505-800 of the Department of Revenue Law of
7 the Civil Administrative Code of Illinois.

8 (jj) Information and reports that are required to be
9 submitted to the Department of Labor by registering day and
10 temporary labor service agencies but are exempt from
11 disclosure under subsection (a-1) of Section 45 of the Day
12 and Temporary Labor Services Act.

13 (kk) Information prohibited from disclosure under the
14 Seizure and Forfeiture Reporting Act.

15 (ll) Information the disclosure of which is restricted
16 and exempted under Section 5-30.8 of the Illinois Public
17 Aid Code.

18 (mm) ~~(ll)~~ Records that are exempt from disclosure under
19 Section 4.2 of the Crime Victims Compensation Act.

20 (nn) ~~(ll)~~ Information that is exempt from disclosure
21 under Section 70 of the Higher Education Student Assistance
22 Act.

23 (oo) Records exempt from disclosure under Section
24 2605-304 of the Department of State Police Law of the Civil
25 Administrative Code of Illinois.

26 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,

1 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
2 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
3 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
4 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
5 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
6 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
7 10-12-18.)

8 Section 10. The Department of State Police Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 2605-605 and by adding Section 2605-304 as follows:

11 (20 ILCS 2605/2605-304 new)

12 Sec. 2605-304. Prohibited persons portal.

13 (a) Within 90 days after the effective date of this
14 amendatory Act of the 101st General Assembly, the Department
15 shall establish a portal for use by federal, State, or local
16 law enforcement agencies, including Offices of the State's
17 Attorneys and the Office of the Attorney General to capture a
18 report of persons whose Firearm Owner's Identification Cards
19 have been revoked or suspended. The portal is for law
20 enforcement purposes only.

21 (b) The Department shall include in the report the reason
22 the person's Firearm Owner's Identification Card was subject to
23 revocation or suspension, to the extent allowed by law,
24 consistent with Section 8 of the Firearm Owners Identification

1 Card Act.

2 (c) The Department shall indicate whether the person
3 subject to the revocation or suspension of his or her Firearm
4 Owner's Identification Card has surrendered his or her revoked
5 or suspended Firearm Owner's Identification Card and whether
6 the person has completed a Firearm Disposition Record required
7 under Section 9.5 of the Firearm Owners Identification Card
8 Act. The Department shall make reasonable efforts to make this
9 information available on the Law Enforcement Agencies Data
10 System (LEADS).

11 (d) The Department shall provide updates of information
12 related to an individual's current Firearm Owner's
13 Identification Card revocation or suspension status, including
14 compliance under Section 9.5 of the Firearm Owners
15 Identification Card Act, in the Department's Law Enforcement
16 Agencies Data System.

17 (e) Records in this portal are exempt from disclosure under
18 the Freedom of Information Act.

19 (f) The Department may adopt rules necessary to implement
20 this Section.

21 (20 ILCS 2605/2605-605)

22 Sec. 2605-605. Violent Crime Intelligence Task Force. The
23 Director of State Police shall ~~may~~ establish a statewide
24 multi-jurisdictional Violent Crime Intelligence Task Force led
25 by the Department of State Police dedicated to combating gun

1 violence, gun-trafficking, and other violent crime with the
2 primary mission of preservation of life and reducing the
3 occurrence and the fear of crime. The objectives of the Task
4 Force shall include, but not be limited to, reducing and
5 preventing illegal possession and use of firearms,
6 firearm-related homicides, and other violent crimes.

7 (1) The Task Force may develop and acquire information,
8 training, tools, and resources necessary to implement a
9 data-driven approach to policing, with an emphasis on
10 intelligence development.

11 (2) The Task Force may utilize information sharing,
12 partnerships, crime analysis, and evidence-based practices to
13 assist in the reduction of firearm-related shootings,
14 homicides, and gun-trafficking.

15 (3) The Task Force may recognize and utilize best practices
16 of community policing and may develop potential partnerships
17 with faith-based and community organizations to achieve its
18 goals.

19 (4) The Task Force may identify and utilize best practices
20 in drug-diversion programs and other community-based services
21 to redirect low-level offenders.

22 (5) The Task Force may assist in violence suppression
23 strategies including, but not limited to, details in identified
24 locations that have shown to be the most prone to gun violence
25 and violent crime, focused deterrence against violent gangs and
26 groups considered responsible for the violence in communities,

1 and other intelligence driven methods deemed necessary to
2 interrupt cycles of violence or prevent retaliation.

3 (6) In consultation with the Chief Procurement Officer, the
4 Department of State Police may obtain contracts for software,
5 commodities, resources, and equipment to assist the Task Force
6 with achieving this Act. Any contracts necessary to support the
7 delivery of necessary software, commodities, resources, and
8 equipment are not subject to the Illinois Procurement Code,
9 except for Sections 20-60, 20-65, 20-70, and 20-160 and Article
10 50 of that Code, provided that the Chief Procurement Officer
11 may, in writing with justification, waive any certification
12 required under Article 50 of the Illinois Procurement Code.

13 (7) The Task Force shall conduct enforcement operations
14 against persons whose Firearm Owner's Identification Cards
15 have been revoked or suspended and persons who fail to comply
16 with the requirements of Section 9.5 of the Firearm Owners
17 Identification Card Act, prioritizing individuals presenting a
18 clear and present danger to themselves or to others under
19 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
20 Owners Identification Card Act.

21 (8) The Task Force shall collaborate with local law
22 enforcement agencies to enforce provisions of the Firearm
23 Owners Identification Card Act, the Firearm Concealed Carry
24 Act, the Firearm Dealer License Certification Act, and Article
25 24 of the Criminal Code of 2012.

26 (9) The Director of State Police may establish

1 intergovernmental contracts written and executed in conformity
2 with the Intergovernmental Cooperation Act.

3 (Source: P.A. 100-3, eff. 1-1-18.)

4 Section 15. The State Finance Act is amended by adding
5 Sections 5.891, 5.893, 6z-107, and 6z-108 as follows:

6 (30 ILCS 105/5.891 new)

7 Sec. 5.891. The State Police Revocation Enforcement Fund.

8 (30 ILCS 105/5.893 new)

9 Sec. 5.893. The School-Based Mental Health Services Fund.

10 (30 ILCS 105/6z-107 new)

11 Sec. 6z-107. State Police Revocation Enforcement Fund.

12 (a) The State Police Revocation Enforcement Fund is
13 established as a special fund in the State treasury. This Fund
14 is established to receive moneys from the Firearm Owners
15 Identification Card Act to enforce that Act, the Firearm
16 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
17 and other firearm offenses. The Fund may also receive revenue
18 from grants, donations, appropriations, and any other legal
19 source.

20 (b) The Department of State Police may use moneys from the
21 Fund to establish task forces and, if necessary, include other
22 law enforcement agencies, pursuant to intergovernmental

1 contracts written and executed in conformity with the
2 Intergovernmental Cooperation Act.

3 (c) The Department of State Police may use moneys in the
4 Fund to hire and train State Police officers and other law
5 enforcement purposes.

6 (d) The State Police Revocation Enforcement Fund is not
7 subject to administrative chargebacks.

8 (30 ILCS 105/6z-108 new)

9 Sec. 6z-108. School-Based Mental Health Services Fund. The
10 School-Based Mental Health Services Fund is created as a
11 special fund in the State treasury. Moneys in the fund shall be
12 distributed annually by the Department of Human Services to
13 issue grants that use and promote the National School Mental
14 Health Curriculum model for school-based mental health
15 support, integration, and services. The Department of Human
16 Services may adopt any rules necessary to carry out this
17 provision.

18 Section 20. The Firearm Owners Identification Card Act is
19 amended by changing Sections 1.1, 3, 3a, 3.1, 4, 5, 7, 8, 9.5,
20 and 14 and by adding Sections 7.5 and 8.4 as follows:

21 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

22 Sec. 1.1. For purposes of this Act:

23 "Addicted to narcotics" means a person who has been:

1 (1) convicted of an offense involving the use or
2 possession of cannabis, a controlled substance, or
3 methamphetamine within the past year; or

4 (2) determined by the Department of State Police to be
5 addicted to narcotics based upon federal law or federal
6 guidelines.

7 "Addicted to narcotics" does not include possession or use
8 of a prescribed controlled substance under the direction and
9 authority of a physician or other person authorized to
10 prescribe the controlled substance when the controlled
11 substance is used in the prescribed manner.

12 "Adjudicated as a person with a mental disability" means
13 the person is the subject of a determination by a court, board,
14 commission or other lawful authority that the person, as a
15 result of marked subnormal intelligence, or mental illness,
16 mental impairment, incompetency, condition, or disease:

17 (1) presents a clear and present danger to himself,
18 herself, or to others;

19 (2) lacks the mental capacity to manage his or her own
20 affairs or is adjudicated a person with a disability as
21 defined in Section 11a-2 of the Probate Act of 1975;

22 (3) is not guilty in a criminal case by reason of
23 insanity, mental disease or defect;

24 (3.5) is guilty but mentally ill, as provided in
25 Section 5-2-6 of the Unified Code of Corrections;

26 (4) is incompetent to stand trial in a criminal case;

1 (5) is not guilty by reason of lack of mental
2 responsibility under Articles 50a and 72b of the Uniform
3 Code of Military Justice, 10 U.S.C. 850a, 876b;

4 (6) is a sexually violent person under subsection (f)
5 of Section 5 of the Sexually Violent Persons Commitment
6 Act;

7 (7) is a sexually dangerous person under the Sexually
8 Dangerous Persons Act;

9 (8) is unfit to stand trial under the Juvenile Court
10 Act of 1987;

11 (9) is not guilty by reason of insanity under the
12 Juvenile Court Act of 1987;

13 (10) is subject to involuntary admission as an
14 inpatient as defined in Section 1-119 of the Mental Health
15 and Developmental Disabilities Code;

16 (11) is subject to involuntary admission as an
17 outpatient as defined in Section 1-119.1 of the Mental
18 Health and Developmental Disabilities Code;

19 (12) is subject to judicial admission as set forth in
20 Section 4-500 of the Mental Health and Developmental
21 Disabilities Code; or

22 (13) is subject to the provisions of the Interstate
23 Agreements on Sexually Dangerous Persons Act.

24 "Clear and present danger" means a person who:

25 (1) communicates a serious threat of physical violence
26 against a reasonably identifiable victim or poses a clear

1 and imminent risk of serious physical injury to himself,
2 herself, or another person as determined by a physician,
3 clinical psychologist, or qualified examiner; or

4 (2) demonstrates threatening physical or verbal
5 behavior, such as violent, suicidal, or assaultive
6 threats, actions, or other behavior, as determined by a
7 physician, clinical psychologist, qualified examiner,
8 school administrator, or law enforcement official,
9 including any act that is intended to cause or create a
10 risk and does cause or create a risk of death or great
11 bodily harm to one or more persons.

12 "Clinical psychologist" has the meaning provided in
13 Section 1-103 of the Mental Health and Developmental
14 Disabilities Code.

15 "Controlled substance" means a controlled substance or
16 controlled substance analog as defined in the Illinois
17 Controlled Substances Act.

18 "Counterfeit" means to copy or imitate, without legal
19 authority, with intent to deceive.

20 "Federally licensed firearm dealer" means a person who is
21 licensed as a federal firearms dealer under Section 923 of the
22 federal Gun Control Act of 1968 (18 U.S.C. 923).

23 "Firearm" means any device, by whatever name known, which
24 is designed to expel a projectile or projectiles by the action
25 of an explosion, expansion of gas or escape of gas; excluding,
26 however:

1 (1) any pneumatic gun, spring gun, paint ball gun, or
2 B-B gun which expels a single globular projectile not
3 exceeding .18 inch in diameter or which has a maximum
4 muzzle velocity of less than 700 feet per second;

5 (1.1) any pneumatic gun, spring gun, paint ball gun, or
6 B-B gun which expels breakable paint balls containing
7 washable marking colors;

8 (2) any device used exclusively for signalling or
9 safety and required or recommended by the United States
10 Coast Guard or the Interstate Commerce Commission;

11 (3) any device used exclusively for the firing of stud
12 cartridges, explosive rivets or similar industrial
13 ammunition; and

14 (4) an antique firearm (other than a machine-gun)
15 which, although designed as a weapon, the Department of
16 State Police finds by reason of the date of its
17 manufacture, value, design, and other characteristics is
18 primarily a collector's item and is not likely to be used
19 as a weapon.

20 "Firearm ammunition" means any self-contained cartridge or
21 shotgun shell, by whatever name known, which is designed to be
22 used or adaptable to use in a firearm; excluding, however:

23 (1) any ammunition exclusively designed for use with a
24 device used exclusively for signalling or safety and
25 required or recommended by the United States Coast Guard or
26 the Interstate Commerce Commission; and

1 (2) any ammunition designed exclusively for use with a
2 stud or rivet driver or other similar industrial
3 ammunition.

4 "Gun show" means an event or function:

5 (1) at which the sale and transfer of firearms is the
6 regular and normal course of business and where 50 or more
7 firearms are displayed, offered, or exhibited for sale,
8 transfer, or exchange; or

9 (2) at which not less than 10 gun show vendors display,
10 offer, or exhibit for sale, sell, transfer, or exchange
11 firearms.

12 "Gun show" includes the entire premises provided for an
13 event or function, including parking areas for the event or
14 function, that is sponsored to facilitate the purchase, sale,
15 transfer, or exchange of firearms as described in this Section.
16 Nothing in this definition shall be construed to exclude a gun
17 show held in conjunction with competitive shooting events at
18 the World Shooting Complex sanctioned by a national governing
19 body in which the sale or transfer of firearms is authorized
20 under subparagraph (5) of paragraph (g) of subsection (A) of
21 Section 24-3 of the Criminal Code of 2012.

22 Unless otherwise expressly stated, "gun show" does not
23 include training or safety classes, competitive shooting
24 events, such as rifle, shotgun, or handgun matches, trap,
25 skeet, or sporting clays shoots, dinners, banquets, raffles, or
26 any other event where the sale or transfer of firearms is not

1 the primary course of business.

2 "Gun show promoter" means a person who organizes or
3 operates a gun show.

4 "Gun show vendor" means a person who exhibits, sells,
5 offers for sale, transfers, or exchanges any firearms at a gun
6 show, regardless of whether the person arranges with a gun show
7 promoter for a fixed location from which to exhibit, sell,
8 offer for sale, transfer, or exchange any firearm.

9 "Involuntarily admitted" has the meaning as prescribed in
10 Sections 1-119 and 1-119.1 of the Mental Health and
11 Developmental Disabilities Code.

12 "Mental health facility" means any licensed private
13 hospital or hospital affiliate, institution, or facility, or
14 part thereof, and any facility, or part thereof, operated by
15 the State or a political subdivision thereof which provide
16 treatment of persons with mental illness and includes all
17 hospitals, institutions, clinics, evaluation facilities,
18 mental health centers, colleges, universities, long-term care
19 facilities, and nursing homes, or parts thereof, which provide
20 treatment of persons with mental illness whether or not the
21 primary purpose is to provide treatment of persons with mental
22 illness.

23 "National governing body" means a group of persons who
24 adopt rules and formulate policy on behalf of a national
25 firearm sporting organization.

26 "Patient" means:

1 (1) a person who is admitted as an inpatient or
2 resident of a public or private mental health facility for
3 mental health treatment under Chapter III of the Mental
4 Health and Developmental Disabilities Code as an informal
5 admission, a voluntary admission, a minor admission, an
6 emergency admission, or an involuntary admission, unless
7 the treatment was solely for an alcohol abuse disorder; or

8 (2) a person who voluntarily or involuntarily receives
9 mental health treatment as an out-patient or is otherwise
10 provided services by a public or private mental health
11 facility, and who poses a clear and present danger to
12 himself, herself, or to others.

13 "Person with a developmental disability" means a person
14 with a disability which is attributable to any other condition
15 which results in impairment similar to that caused by an
16 intellectual disability and which requires services similar to
17 those required by persons with intellectual disabilities. The
18 disability must originate before the age of 18 years, be
19 expected to continue indefinitely, and constitute a
20 substantial disability. This disability results, in the
21 professional opinion of a physician, clinical psychologist, or
22 qualified examiner, in significant functional limitations in 3
23 or more of the following areas of major life activity:

- 24 (i) self-care;
25 (ii) receptive and expressive language;
26 (iii) learning;

1 (iv) mobility; or

2 (v) self-direction.

3 "Person with an intellectual disability" means a person
4 with a significantly subaverage general intellectual
5 functioning which exists concurrently with impairment in
6 adaptive behavior and which originates before the age of 18
7 years.

8 "Physician" has the meaning as defined in Section 1-120 of
9 the Mental Health and Developmental Disabilities Code.

10 "Qualified examiner" has the meaning provided in Section
11 1-122 of the Mental Health and Developmental Disabilities Code.

12 "Sanctioned competitive shooting event" means a shooting
13 contest officially recognized by a national or state shooting
14 sport association, and includes any sight-in or practice
15 conducted in conjunction with the event.

16 "School administrator" means the person required to report
17 under the School Administrator Reporting of Mental Health Clear
18 and Present Danger Determinations Law.

19 "Stun gun or taser" has the meaning ascribed to it in
20 Section 24-1 of the Criminal Code of 2012.

21 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
22 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

23 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

24 Sec. 3. Requirements for firearm transfers.

25 (a) ~~A~~ ~~Except as provided in Section 3a,~~ no person shall not

1 ~~may~~ knowingly transfer, or cause to be transferred, any
2 firearm, firearm ammunition, stun gun, or taser to any person
3 within this State unless the transferee with whom he or she
4 deals displays either: (1) a currently valid Firearm Owner's
5 Identification Card which has previously been issued in his or
6 her name by the Department of State Police under the provisions
7 of this Act; or (2) a currently valid license to carry a
8 concealed firearm which has previously been issued in his or
9 her name by the Department of State Police under the Firearm
10 Concealed Carry Act. In addition, all firearm, stun gun, and
11 taser transfers by federally licensed firearm dealers are
12 subject to Section 3.1.

13 (a-5) Beginning 90 days after the effective date of this
14 amendatory Act of the 101st General Assembly, notwithstanding
15 item (2) of subsection (a) of this Section, any person who is
16 not a federally licensed firearm dealer and who desires to
17 transfer or sell a firearm or firearms to any person who is not
18 a federally licensed firearm dealer shall do so only through a
19 federally licensed firearms dealer as follows:

20 (1) the seller or transferor shall give the firearm to
21 the federally licensed firearms dealer, who shall retain
22 possession of the firearm until every legal requirement for
23 the sale or transfer has been met;

24 (2) the federally licensed firearms dealer shall
25 process the sale or other transfer in compliance with any
26 federal, State, and local law, including a National Instant

1 Criminal Background Check System background check on the
2 buyer or transferee in accordance with 18 U.S.C. 922(t) and
3 Section 3.1;

4 (A) if the transaction is not legally prohibited,
5 the federally licensed firearm dealer may then
6 complete transfer the firearm to the buyer or
7 transferee;

8 (B) if the transaction is legally prohibited, the
9 federally licensed firearm dealer shall conduct a
10 National Instant Criminal Background Check System
11 background check under paragraph (2) of this
12 subsection (a-5) on the transferor or seller before
13 returning the firearm;

14 (C) if the federally licensed firearm dealer
15 cannot return the firearm to either party, the dealer
16 shall notify a local law enforcement agency within 24
17 hours to take possession of the firearm;

18 (D) if there is a delay in completing a background
19 check, the federally licensed firearms dealer shall
20 maintain possession of the firearm until the
21 background check is completed;

22 (3) the federally licensed firearms dealer shall
23 ensure that all required documentation of the sale or
24 transfer are maintained in accordance with federal, State,
25 and local law, including, but not limited to, the
26 completion of the Bureau of Alcohol, Tobacco, Firearms, and

1 Explosives Firearm Transaction Record Form 4473 which
2 shall be open to inspection in accordance the Firearm
3 Dealer License Certification Act;

4 (4) the federally licensed firearms dealer may charge a
5 fee not to exceed \$10 to perform the sale or transfer under
6 this Section; and

7 (5) no transfer of a firearm shall occur until an
8 approval is issued by the Department and the required
9 waiting period established by Section 24-3 of the Criminal
10 Code of 2012 has expired.

11 This subsection shall not apply to sales or transfers by a:

12 (A) law enforcement, corrections, or active duty
13 military officer acting within the course of his or her
14 employment or official duties;

15 (B) person acting under operation of law or court
16 order;

17 (C) gunsmith who receives the firearm solely for the
18 purpose of service or repair;

19 (D) person acting on behalf of a common carrier or
20 other business for purposes of transportation or storage in
21 the ordinary course of his or her business;

22 (E) person who is loaned a firearm while on the
23 premises of a licensed shooting range for the sole purpose
24 of shooting at targets, if the firearm is kept within the
25 premises of the shooting range;

26 (F) minor who is loaned a firearm for lawful hunting or

1 sporting purposes while under the direct supervision of an
2 adult;

3 (G) person who acquires a firearm upon the death of
4 another person from a will, bequest, inheritance, or as a
5 bona fide gift from an immediate family member, as long as
6 he or she notifies the Department of State Police under
7 Section 3.1 within 60 days, at which time the Department of
8 State Police shall conduct a National Instant Criminal
9 Background Check System background check on the person. In
10 this paragraph, "immediate family member" means a spouse,
11 domestic partner, children, step-children, parents, or
12 step-parents;

13 (H) person who transfers a firearm to a law enforcement
14 agency; or

15 (I) person who is loaned a firearm for lawful hunting
16 or sporting purposes while in the presence of the lawful
17 owner of the firearm.

18 ~~Any person who is not a federally licensed firearm dealer and~~
19 ~~who desires to transfer or sell a firearm while that person~~
20 ~~is on the grounds of a gun show must, before selling or~~
21 ~~transferring the firearm, request the Department of State~~
22 ~~Police to conduct a background check on the prospective~~
23 ~~recipient of the firearm in accordance with Section 3.1.~~

24 (a-10) The Department of State Police shall publish, on its
25 website, information for holders of Firearm Owner's
26 Identification Cards that includes the changes included in this

1 amendatory Act of the 101st General Assembly. Any Firearm
2 Owner's Identification Card issued or renewed on or after the
3 effective date of this amendatory Act of the 101st General
4 Assembly shall include a statement indicating the changes
5 pertinent in this amendatory Act of the 101st General Assembly
6 for Firearm Owner's Identification Card holders.

7 ~~Notwithstanding item (2) of subsection (a) of this Section, any~~
8 ~~person who is not a federally licensed firearm dealer and who~~
9 ~~desires to transfer or sell a firearm or firearms to any person~~
10 ~~who is not a federally licensed firearm dealer shall, before~~
11 ~~selling or transferring the firearms, contact the Department of~~
12 ~~State Police with the transferee's or purchaser's Firearm~~
13 ~~Owner's Identification Card number to determine the validity of~~
14 ~~the transferee's or purchaser's Firearm Owner's Identification~~
15 ~~Card. This subsection shall not be effective until January 1,~~
16 ~~2014. The Department of State Police may adopt rules concerning~~
17 ~~the implementation of this subsection. The Department of State~~
18 ~~Police shall provide the seller or transferor an approval~~
19 ~~number if the purchaser's Firearm Owner's Identification Card~~
20 ~~is valid. Approvals issued by the Department for the purchase~~
21 ~~of a firearm pursuant to this subsection are valid for 30 days~~
22 ~~from the date of issue.~~

23 (a-15) (Blank). ~~The provisions of subsection (a-10) of this~~
24 ~~Section do not apply to:~~

25 ~~(1) transfers that occur at the place of business of a~~
26 ~~federally licensed firearm dealer, if the federally~~

1 ~~licensed firearm dealer conducts a background check on the~~
2 ~~prospective recipient of the firearm in accordance with~~
3 ~~Section 3.1 of this Act and follows all other applicable~~
4 ~~federal, State, and local laws as if he or she were the~~
5 ~~seller or transferor of the firearm, although the dealer is~~
6 ~~not required to accept the firearm into his or her~~
7 ~~inventory. The purchaser or transferee may be required by~~
8 ~~the federally licensed firearm dealer to pay a fee not to~~
9 ~~exceed \$10 per firearm, which the dealer may retain as~~
10 ~~compensation for performing the functions required under~~
11 ~~this paragraph, plus the applicable fees authorized by~~
12 ~~Section 3.1;~~

13 ~~(2) transfers as a bona fide gift to the transferor's~~
14 ~~husband, wife, son, daughter, stepson, stepdaughter,~~
15 ~~father, mother, stepfather, stepmother, brother, sister,~~
16 ~~nephew, niece, uncle, aunt, grandfather, grandmother,~~
17 ~~grandson, granddaughter, father in law, mother in law,~~
18 ~~son in law, or daughter in law;~~

19 ~~(3) transfers by persons acting pursuant to operation~~
20 ~~of law or a court order;~~

21 ~~(4) transfers on the grounds of a gun show under~~
22 ~~subsection (a-5) of this Section;~~

23 ~~(5) the delivery of a firearm by its owner to a~~
24 ~~gunsmith for service or repair, the return of the firearm~~
25 ~~to its owner by the gunsmith, or the delivery of a firearm~~
26 ~~by a gunsmith to a federally licensed firearms dealer for~~

1 ~~service or repair and the return of the firearm to the~~
2 ~~gunsmith;~~

3 ~~(6) temporary transfers that occur while in the home of~~
4 ~~the unlicensed transferee, if the unlicensed transferee is~~
5 ~~not otherwise prohibited from possessing firearms and the~~
6 ~~unlicensed transferee reasonably believes that possession~~
7 ~~of the firearm is necessary to prevent imminent death or~~
8 ~~great bodily harm to the unlicensed transferee;~~

9 ~~(7) transfers to a law enforcement or corrections~~
10 ~~agency or a law enforcement or corrections officer acting~~
11 ~~within the course and scope of his or her official duties;~~

12 ~~(8) transfers of firearms that have been rendered~~
13 ~~permanently inoperable to a nonprofit historical society,~~
14 ~~museum, or institutional collection; and~~

15 ~~(9) transfers to a person who is exempt from the~~
16 ~~requirement of possessing a Firearm Owner's Identification~~
17 ~~Card under Section 2 of this Act.~~

18 (a-20) (Blank). ~~The Department of State Police shall~~
19 ~~develop an Internet based system for individuals to determine~~
20 ~~the validity of a Firearm Owner's Identification Card prior to~~
21 ~~the sale or transfer of a firearm. The Department shall have~~
22 ~~the Internet based system completed and available for use by~~
23 ~~July 1, 2015. The Department shall adopt rules not inconsistent~~
24 ~~with this Section to implement this system.~~

25 (b) Any resident may purchase ammunition from a person
26 within or outside of this State if shipment is by United States

1 mail or by a private express carrier authorized by federal law
2 to ship ammunition. Any resident purchasing ammunition within
3 or outside the State must provide the seller with a copy of his
4 or her valid Firearm Owner's Identification Card or valid
5 concealed carry license and either his or her Illinois driver's
6 license or Illinois Identification Card prior to the shipment
7 of the ammunition. The ammunition may be shipped only to an
8 address on either of those 2 documents. ~~Any person within this~~
9 ~~State who transfers or causes to be transferred any firearm,~~
10 ~~stun gun, or taser shall keep a record of such transfer for a~~
11 ~~period of 10 years from the date of transfer. Such record shall~~
12 ~~contain the date of the transfer; the description, serial~~
13 ~~number or other information identifying the firearm, stun gun,~~
14 ~~or taser if no serial number is available; and, if the transfer~~
15 ~~was completed within this State, the transferee's Firearm~~
16 ~~Owner's Identification Card number and any approval number or~~
17 ~~documentation provided by the Department of State Police~~
18 ~~pursuant to subsection (a 10) of this Section; if the transfer~~
19 ~~was not completed within this State, the record shall contain~~
20 ~~the name and address of the transferee. On or after January 1,~~
21 ~~2006, the record shall contain the date of application for~~
22 ~~transfer of the firearm. On demand of a peace officer such~~
23 ~~transferor shall produce for inspection such record of~~
24 ~~transfer. If the transfer or sale took place at a gun show, the~~
25 ~~record shall include the unique identification number. Failure~~
26 ~~to record the unique identification number or approval number~~

1 ~~is a petty offense. For transfers of a firearm, stun gun, or~~
2 ~~taser made on or after the effective date of this amendatory~~
3 ~~Act of the 100th General Assembly, failure by the private~~
4 ~~seller to maintain the transfer records in accordance with this~~
5 ~~Section is a Class A misdemeanor for the first offense and a~~
6 ~~Class 4 felony for a second or subsequent offense. A transferee~~
7 ~~shall not be criminally liable under this Section provided that~~
8 ~~he or she provides the Department of State Police with the~~
9 ~~transfer records in accordance with procedures established by~~
10 ~~the Department. The Department shall establish, by rule, a~~
11 ~~standard form on its website.~~

12 (b-5) (Blank). ~~Any resident may purchase ammunition from a~~
13 ~~person within or outside of Illinois if shipment is by United~~
14 ~~States mail or by a private express carrier authorized by~~
15 ~~federal law to ship ammunition. Any resident purchasing~~
16 ~~ammunition within or outside the State of Illinois must provide~~
17 ~~the seller with a copy of his or her valid Firearm Owner's~~
18 ~~Identification Card or valid concealed carry license and either~~
19 ~~his or her Illinois driver's license or Illinois State~~
20 ~~Identification Card prior to the shipment of the ammunition.~~
21 ~~The ammunition may be shipped only to an address on either of~~
22 ~~those 2 documents.~~

23 (c) The provisions of this Section regarding the transfer
24 of firearm ammunition shall not apply to those persons
25 specified in paragraph (b) of Section 2 of this Act.

26 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

1 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

2 Sec. 3a. (a) Any resident of Illinois who has obtained a
3 firearm owner's identification card pursuant to this Act and
4 who is not otherwise prohibited from obtaining, possessing or
5 using a firearm may purchase or obtain a rifle or shotgun or
6 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
7 Wisconsin or Kentucky.

8 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
9 Kentucky or a non-resident with a valid non-resident hunting
10 license, who is 18 years of age or older and who is not
11 prohibited by the laws of Illinois, the state of his domicile,
12 or the United States from obtaining, possessing or using a
13 firearm, may purchase or obtain a rifle, shotgun or ammunition
14 for a rifle or shotgun in Illinois.

15 (b-5) Any non-resident who is participating in a sanctioned
16 competitive shooting event, who is 18 years of age or older and
17 who is not prohibited by the laws of Illinois, the state of his
18 or her domicile, or the United States from obtaining,
19 possessing, or using a firearm, may purchase or obtain a
20 shotgun or shotgun ammunition in Illinois for the purpose of
21 participating in that event. A person may purchase or obtain a
22 shotgun or shotgun ammunition under this subsection only at the
23 site where the sanctioned competitive shooting event is being
24 held.

25 (b-10) Any non-resident registered competitor or attendee

1 of a competitive shooting event held at the World Shooting
2 Complex sanctioned by a national governing body, who is not
3 prohibited by the laws of Illinois, the state of his or her
4 domicile, or the United States from obtaining, possessing, or
5 using a firearm may purchase or obtain a rifle, shotgun, or
6 other long gun or ammunition for a rifle, shotgun, or other
7 long gun at the competitive shooting event. The sanctioning
8 body shall provide a list of registered competitors and
9 attendees as required under subparagraph (5) of paragraph (g)
10 of subsection (A) of Section 24-3 of the Criminal Code of 2012.
11 A competitor or attendee of a competitive shooting event who
12 does not wish to purchase a firearm at the event is not
13 required to register or have his or her name appear on a list
14 of registered competitors and attendees provided to the
15 Department of State Police by the sanctioning body.

16 (c) Any transaction under this Section is subject to the
17 provisions of Section 3 and the Gun Control Act of 1968 (18
18 U.S.C. 922 (b) (3)).

19 (Source: P.A. 99-29, eff. 7-10-15.)

20 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

21 Sec. 3.1. Firearm transfer inquiry program ~~Dial up system.~~

22 (a) The Department of State Police shall provide a dial up
23 telephone system or utilize other existing technology which
24 shall be used by any federally licensed firearm dealer, ~~gun~~
25 ~~show promoter, or gun show vendor~~ who is to transfer a firearm,

1 stun gun, or taser under the provisions of this Act. The
2 Department of State Police may utilize existing technology
3 which allows the caller to be charged a fee not to exceed \$2.
4 Fees collected by the Department of State Police shall be
5 deposited in the State Police Services Fund and used to provide
6 the service.

7 (b) Upon receiving a request ~~from a federally licensed~~
8 ~~firearm dealer, gun show promoter, or gun show vendor~~, the
9 Department of State Police shall immediately approve, or within
10 the time period established by Section 24-3 of the Criminal
11 Code of 2012 regarding the delivery of firearms, stun guns, and
12 tasers notify the inquiring dealer, gun show promoter, or gun
13 show vendor of any objection that would disqualify the
14 transferee from acquiring or possessing a firearm, stun gun, or
15 taser. In conducting the inquiry, the Department of State
16 Police shall initiate and complete an automated search of its
17 criminal history record information files and those of the
18 Federal Bureau of Investigation, including the National
19 Instant Criminal Background Check System, and of the files of
20 the Department of Human Services relating to mental health and
21 developmental disabilities to obtain any prohibiting
22 information ~~felony conviction~~ or patient hospitalization
23 information which would disqualify a person from obtaining or
24 require revocation of a currently valid Firearm Owner's
25 Identification Card.

26 (c) If receipt of a firearm would not violate Section 24-3

1 of the Criminal Code of 2012, federal law, or this Act the
2 Department of State Police shall:

3 (1) assign a unique identification number to the
4 transfer; and

5 (2) provide the licensee, gun show promoter, or gun
6 show vendor with the number.

7 (d) Approvals issued by the Department of State Police for
8 the purchase of a firearm are valid for 30 days from the date
9 of issue.

10 (e) (1) The Department of State Police must act as the
11 Illinois Point of Contact for the National Instant Criminal
12 Background Check System.

13 (2) The Department of State Police and the Department of
14 Human Services shall, in accordance with State and federal law
15 regarding confidentiality, enter into a memorandum of
16 understanding with the Federal Bureau of Investigation for the
17 purpose of implementing the National Instant Criminal
18 Background Check System in the State. The Department of State
19 Police shall report the name, date of birth, and physical
20 description of any person prohibited from possessing a firearm
21 pursuant to the Firearm Owners Identification Card Act or 18
22 U.S.C. 922(g) and (n) to the National Instant Criminal
23 Background Check System Index, Denied Persons Files.

24 (3) The Department of State Police shall provide notice of
25 the disqualification of a person under subsection (b) of this
26 Section or the revocation of a person's Firearm Owner's

1 Identification Card under Section 8 or Section 8.2 of this Act,
2 and the reason for the disqualification or revocation, to all
3 law enforcement agencies with jurisdiction to assist with the
4 seizure of the person's Firearm Owner's Identification Card.

5 (f) The Department of State Police shall adopt rules not
6 inconsistent with this Section to implement this system.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

8 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

9 Sec. 4. Application requirements.

10 (a) Each applicant for a Firearm Owner's Identification
11 Card must:

12 (1) Make application on blank forms prepared and
13 furnished at convenient locations throughout the State by
14 the Department of State Police, or by electronic means, if
15 and when made available by the Department of State Police;
16 and

17 (2) Submit evidence to the Department of State Police
18 that:

19 (i) He or she is 21 years of age or over, or if he
20 or she is under 21 years of age that he or she has the
21 written consent of his or her parent or legal guardian
22 to possess and acquire firearms and firearm ammunition
23 and that he or she has never been convicted of a
24 misdemeanor other than a traffic offense or adjudged
25 delinquent, provided, however, that such parent or

1 legal guardian is not an individual prohibited from
2 having a Firearm Owner's Identification Card and files
3 an affidavit with the Department as prescribed by the
4 Department stating that he or she is not an individual
5 prohibited from having a Card;

6 (ii) He or she has not been convicted of a felony
7 under the laws of this or any other jurisdiction;

8 (iii) He or she is not addicted to narcotics;

9 (iv) He or she has not been a patient in a mental
10 health facility within the past 5 years or, if he or
11 she has been a patient in a mental health facility more
12 than 5 years ago submit the certification required
13 under subsection (u) of Section 8 of this Act;

14 (v) He or she is not a person with an intellectual
15 disability;

16 (vi) He or she is not an alien who is unlawfully
17 present in the United States under the laws of the
18 United States;

19 (vii) He or she is not subject to an existing order
20 of protection prohibiting him or her from possessing a
21 firearm;

22 (viii) He or she has not been convicted within the
23 past 5 years of battery, assault, aggravated assault,
24 violation of an order of protection, or a substantially
25 similar offense in another jurisdiction, in which a
26 firearm was used or possessed;

1 (ix) He or she has not been convicted of domestic
2 battery, aggravated domestic battery, or a
3 substantially similar offense in another jurisdiction
4 committed before, on or after January 1, 2012 (the
5 effective date of Public Act 97-158). If the applicant
6 knowingly and intelligently waives the right to have an
7 offense described in this clause (ix) tried by a jury,
8 and by guilty plea or otherwise, results in a
9 conviction for an offense in which a domestic
10 relationship is not a required element of the offense
11 but in which a determination of the applicability of 18
12 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
13 Code of Criminal Procedure of 1963, an entry by the
14 court of a judgment of conviction for that offense
15 shall be grounds for denying the issuance of a Firearm
16 Owner's Identification Card under this Section;

17 (x) (Blank);

18 (xi) He or she is not an alien who has been
19 admitted to the United States under a non-immigrant
20 visa (as that term is defined in Section 101(a)(26) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(26))), or that he or she is an alien who has
23 been lawfully admitted to the United States under a
24 non-immigrant visa if that alien is:

25 (1) admitted to the United States for lawful
26 hunting or sporting purposes;

1 (2) an official representative of a foreign
2 government who is:

3 (A) accredited to the United States
4 Government or the Government's mission to an
5 international organization having its
6 headquarters in the United States; or

7 (B) en route to or from another country to
8 which that alien is accredited;

9 (3) an official of a foreign government or
10 distinguished foreign visitor who has been so
11 designated by the Department of State;

12 (4) a foreign law enforcement officer of a
13 friendly foreign government entering the United
14 States on official business; or

15 (5) one who has received a waiver from the
16 Attorney General of the United States pursuant to
17 18 U.S.C. 922 (y) (3);

18 (xii) He or she is not a minor subject to a
19 petition filed under Section 5-520 of the Juvenile
20 Court Act of 1987 alleging that the minor is a
21 delinquent minor for the commission of an offense that
22 if committed by an adult would be a felony;

23 (xiii) He or she is not an adult who had been
24 adjudicated a delinquent minor under the Juvenile
25 Court Act of 1987 for the commission of an offense that
26 if committed by an adult would be a felony;

1 (xiv) He or she is a resident of the State of
2 Illinois;

3 (xv) He or she has not been adjudicated as a person
4 with a mental disability;

5 (xvi) He or she has not been involuntarily admitted
6 into a mental health facility; and

7 (xvii) He or she is not a person with a
8 developmental disability; and

9 (3) Upon request by the Department of State Police,
10 sign a release on a form prescribed by the Department of
11 State Police waiving any right to confidentiality and
12 requesting the disclosure to the Department of State Police
13 of limited mental health institution admission information
14 from another state, the District of Columbia, any other
15 territory of the United States, or a foreign nation
16 concerning the applicant for the sole purpose of
17 determining whether the applicant is or was a patient in a
18 mental health institution and disqualified because of that
19 status from receiving a Firearm Owner's Identification
20 Card. No mental health care or treatment records may be
21 requested. The information received shall be destroyed
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification
24 Card who is over the age of 18 shall furnish to the Department
25 of State Police either his or her Illinois driver's license
26 number or Illinois Identification Card number, except as

1 provided in subsection (a-10).

2 (a-10) Each applicant for a Firearm Owner's Identification
3 Card, who is employed as a law enforcement officer, an armed
4 security officer in Illinois, or by the United States Military
5 permanently assigned in Illinois and who is not an Illinois
6 resident, shall furnish to the Department of State Police his
7 or her driver's license number or state identification card
8 number from his or her state of residence. The Department of
9 State Police may adopt rules to enforce the provisions of this
10 subsection (a-10).

11 (a-15) If an applicant applying for a Firearm Owner's
12 Identification Card moves from the residence address named in
13 the application, he or she shall immediately notify in a form
14 and manner prescribed by the Department of State Police of that
15 change of address.

16 (a-20) Each applicant for a Firearm Owner's Identification
17 Card shall furnish to the Department of State Police his or her
18 photograph. An applicant who is 21 years of age or older
19 seeking a religious exemption to the photograph requirement
20 must furnish with the application an approved copy of United
21 States Department of the Treasury Internal Revenue Service Form
22 4029. In lieu of a photograph, an applicant regardless of age
23 seeking a religious exemption to the photograph requirement
24 shall submit fingerprints on a form and manner prescribed by
25 the Department with his or her application.

26 (a-25) Beginning 180 days after the effective date of this

1 amendatory Act of the 101st General Assembly, each applicant
2 for the issuance or renewal of a Firearm Owner's Identification
3 Card shall include a full set of his or her fingerprints in
4 electronic format to the Department of State Police, unless the
5 applicant has previously provided a full set of his or her
6 fingerprints to the Department under this Act or the Firearm
7 Concealed Carry Act.

8 (1) The fingerprints must be transmitted through a live
9 scan fingerprint vendor licensed by the Department of
10 Financial and Professional Regulation. These fingerprints
11 shall be checked against the fingerprint records now and
12 hereafter filed in the Department and Federal Bureau of
13 Investigation criminal history records databases,
14 including all available state and local criminal history
15 record information files.

16 (2) The Department shall charge applicants a one-time
17 fee for conducting the criminal history record check, which
18 shall be deposited in the State Police Services Fund and
19 shall not exceed the actual cost of the State and national
20 criminal history record check.

21 (a-30) The Department shall deny the application of any
22 person who fails to submit evidence required by this Section.

23 (b) Each application form shall include the following
24 statement printed in bold type: "Warning: Entering false
25 information on an application for a Firearm Owner's
26 Identification Card is punishable as a Class 2 felony in

1 accordance with subsection (d-5) of Section 14 of the Firearm
2 Owners Identification Card Act.".

3 (c) Upon such written consent, pursuant to Section 4,
4 paragraph (a)(2)(i), the parent or legal guardian giving the
5 consent shall be liable for any damages resulting from the
6 applicant's use of firearms or firearm ammunition.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

8 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

9 Sec. 5. Application and renewal.

10 (a) The Department of State Police shall either approve or
11 deny all complete applications within 30 business days from the
12 date they are received, except as provided in subsection (b) of
13 this Section, and every applicant found qualified under Section
14 8 of this Act by the Department shall be entitled to a Firearm
15 Owner's Identification Card upon the payment of a \$50 ~~\$10~~ fee,
16 and applicable processing fees. Any applicant who is an active
17 duty member of the Armed Forces of the United States, a member
18 of the Illinois National Guard, or a member of the Reserve
19 Forces of the United States is exempt from the application fee.
20 \$6 of each fee derived from the issuance of Firearm Owner's
21 Identification Cards, or renewals thereof, shall be deposited
22 in the Wildlife and Fish Fund in the State Treasury; \$5 of the
23 fee shall be deposited into the School-Based Mental Health
24 Services Fund; \$15 of the fee shall be deposited into the State
25 Police Revocation Enforcement Fund; \$1 of the fee shall be

1 deposited in the State Police Services Fund; and \$23 ~~\$3~~ of the
2 fee shall be deposited in the State Police Firearm Services
3 Fund.

4 (b) Complete renewal ~~Renewal~~ applications shall be
5 approved or denied within 60 business days, provided the
6 applicant submitted his or her renewal application prior to the
7 expiration of his or her Firearm Owner's Identification Card.
8 If a renewal application has been submitted prior to the
9 expiration date of the applicant's Firearm Owner's
10 Identification Card, the Firearm Owner's Identification Card
11 shall remain valid while the Department processes the
12 application, unless the person is subject to or becomes subject
13 to revocation under this Act. The cost for a renewal
14 application shall be \$50 and applicable processing fees, of \$10
15 which \$30 shall be deposited into the State Police Firearm
16 Services Fund; \$5 shall be deposited into the School-Based
17 Mental Health Services Fund; and \$15 shall be deposited into
18 the State Police Revocation Enforcement Fund.

19 (c) In this Section, "complete application" and "complete
20 renewal application" means the applicant has submitted the
21 evidence required by Section 4.

22 (Source: P.A. 100-906, eff. 1-1-19.)

23 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

24 Sec. 7. Validity of Firearm Owner's Identification Card.

25 (a) Except as provided in Section 8 of this Act or

1 subsection (b) of this Section, a Firearm Owner's
2 Identification Card issued under the provisions of this Act
3 shall be valid for the person to whom it is issued for a period
4 of 5 ~~10~~ years from the date of issuance. Any person whose card
5 was previously issued for a period of 10 years shall retain the
6 10-year issuance period until the next date of renewal, at
7 which point the card shall be renewed for 5 years.

8 (b) If a renewal application is submitted to the Department
9 before the expiration date of the applicant's current Firearm
10 Owner's Identification Card, the Firearm Owner's
11 Identification Card shall remain valid for a period of 60
12 business days, unless the person is subject to or becomes
13 subject to revocation under this Act.

14 (Source: P.A. 100-906, eff. 1-1-19.)

15 (430 ILCS 65/7.5 new)

16 Sec. 7.5. Email notifications. A person subject to this Act
17 may notify the Department upon application or at any time
18 thereafter that he or she would like to receive correspondence
19 from the Department via email rather than by mail.

20 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

21 Sec. 8. Grounds for denial and revocation. The Department
22 of State Police has authority to deny an application for or to
23 revoke and seize a Firearm Owner's Identification Card
24 previously issued under this Act only if the Department finds

1 that the applicant or the person to whom such card was issued
2 is or was at the time of issuance:

3 (a) A person under 21 years of age who has been
4 convicted of a misdemeanor other than a traffic offense or
5 adjudged delinquent;

6 (b) A person under 21 years of age who does not have
7 the written consent of his parent or guardian to acquire
8 and possess firearms and firearm ammunition, or whose
9 parent or guardian has revoked such written consent, or
10 where such parent or guardian does not qualify to have a
11 Firearm Owner's Identification Card;

12 (c) A person convicted of a felony under the laws of
13 this or any other jurisdiction;

14 (d) A person addicted to narcotics;

15 (e) A person who has been a patient of a mental health
16 facility within the past 5 years or a person who has been a
17 patient in a mental health facility more than 5 years ago
18 who has not received the certification required under
19 subsection (u) of this Section. An active law enforcement
20 officer employed by a unit of government who is denied,
21 revoked, or has his or her Firearm Owner's Identification
22 Card seized under this subsection (e) may obtain relief as
23 described in subsection (c-5) of Section 10 of this Act if
24 the officer did not act in a manner threatening to the
25 officer, another person, or the public as determined by the
26 treating clinical psychologist or physician, and the

1 officer seeks mental health treatment;

2 (f) A person whose mental condition is of such a nature
3 that it poses a clear and present danger to the applicant,
4 any other person or persons or the community;

5 (g) A person who has an intellectual disability;

6 (h) A person who intentionally makes a false statement
7 in the Firearm Owner's Identification Card application;

8 (i) An alien who is unlawfully present in the United
9 States under the laws of the United States;

10 (i-5) An alien who has been admitted to the United
11 States under a non-immigrant visa (as that term is defined
12 in Section 101(a)(26) of the Immigration and Nationality
13 Act (8 U.S.C. 1101(a)(26))), except that this subsection
14 (i-5) does not apply to any alien who has been lawfully
15 admitted to the United States under a non-immigrant visa if
16 that alien is:

17 (1) admitted to the United States for lawful
18 hunting or sporting purposes;

19 (2) an official representative of a foreign
20 government who is:

21 (A) accredited to the United States Government
22 or the Government's mission to an international
23 organization having its headquarters in the United
24 States; or

25 (B) en route to or from another country to
26 which that alien is accredited;

1 (3) an official of a foreign government or
2 distinguished foreign visitor who has been so
3 designated by the Department of State;

4 (4) a foreign law enforcement officer of a friendly
5 foreign government entering the United States on
6 official business; or

7 (5) one who has received a waiver from the Attorney
8 General of the United States pursuant to 18 U.S.C.
9 922(y) (3);

10 (j) (Blank);

11 (k) A person who has been convicted within the past 5
12 years of battery, assault, aggravated assault, violation
13 of an order of protection, or a substantially similar
14 offense in another jurisdiction, in which a firearm was
15 used or possessed;

16 (l) A person who has been convicted of domestic
17 battery, aggravated domestic battery, or a substantially
18 similar offense in another jurisdiction committed before,
19 on or after January 1, 2012 (the effective date of Public
20 Act 97-158). If the applicant or person who has been
21 previously issued a Firearm Owner's Identification Card
22 under this Act knowingly and intelligently waives the right
23 to have an offense described in this paragraph (l) tried by
24 a jury, and by guilty plea or otherwise, results in a
25 conviction for an offense in which a domestic relationship
26 is not a required element of the offense but in which a

1 determination of the applicability of 18 U.S.C. 922(g)(9)
2 is made under Section 112A-11.1 of the Code of Criminal
3 Procedure of 1963, an entry by the court of a judgment of
4 conviction for that offense shall be grounds for denying an
5 application for and for revoking and seizing a Firearm
6 Owner's Identification Card previously issued to the
7 person under this Act;

8 (m) (Blank);

9 (n) A person who is prohibited from acquiring or
10 possessing firearms or firearm ammunition by any Illinois
11 State statute or by federal law;

12 (o) A minor subject to a petition filed under Section
13 5-520 of the Juvenile Court Act of 1987 alleging that the
14 minor is a delinquent minor for the commission of an
15 offense that if committed by an adult would be a felony;

16 (p) An adult who had been adjudicated a delinquent
17 minor under the Juvenile Court Act of 1987 for the
18 commission of an offense that if committed by an adult
19 would be a felony;

20 (q) A person who is not a resident of the State of
21 Illinois, except as provided in subsection (a-10) of
22 Section 4;

23 (r) A person who has been adjudicated as a person with
24 a mental disability;

25 (s) A person who has been found to have a developmental
26 disability;

1 (t) A person involuntarily admitted into a mental
2 health facility; ~~or~~

3 (u) A person who has had his or her Firearm Owner's
4 Identification Card revoked or denied under subsection (e)
5 of this Section or item (iv) of paragraph (2) of subsection
6 (a) of Section 4 of this Act because he or she was a
7 patient in a mental health facility as provided in
8 subsection (e) of this Section, shall not be permitted to
9 obtain a Firearm Owner's Identification Card, after the
10 5-year period has lapsed, unless he or she has received a
11 mental health evaluation by a physician, clinical
12 psychologist, or qualified examiner as those terms are
13 defined in the Mental Health and Developmental
14 Disabilities Code, and has received a certification that he
15 or she is not a clear and present danger to himself,
16 herself, or others. The physician, clinical psychologist,
17 or qualified examiner making the certification and his or
18 her employer shall not be held criminally, civilly, or
19 professionally liable for making or not making the
20 certification required under this subsection, except for
21 willful or wanton misconduct. This subsection does not
22 apply to a person whose firearm possession rights have been
23 restored through administrative or judicial action under
24 Section 10 or 11 of this Act; or ~~-~~

25 (v) A person who has failed to submit the evidence
26 required by Section 4.

1 Upon revocation of a person's Firearm Owner's
2 Identification Card, the Department of State Police shall
3 provide notice to the person within 7 business days and the
4 person shall comply with Section 9.5 of this Act.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
6 eff. 7-16-14; 99-143, eff. 7-27-15.)

7 (430 ILCS 65/8.4 new)

8 Sec. 8.4. Cancellation of Firearm Owner's Identification
9 Card. The Department of the State Police may cancel a Firearm
10 Owner's Identification Card if a person is not prohibited by
11 State or federal law from acquiring or possessing a firearm or
12 firearm ammunition and the sole purpose is for an
13 administrative reason. This includes, but is not limited to, at
14 the request of the Firearm Owner's Identification Card holder,
15 a person who surrenders his or her Illinois driver's license or
16 Illinois Identification Card to another jurisdiction, or a
17 person's Firearm Owner's Identification Card is reported as
18 lost, stolen, or destroyed. The Department may adopt rules
19 necessary to implement this Section.

20 (430 ILCS 65/9.5)

21 Sec. 9.5. Revocation or suspension of Firearm Owner's
22 Identification Card.

23 (a) A person who receives a revocation or suspension notice
24 under Section 9 of this Act shall, within 48 hours of receiving

1 notice of the revocation or suspension:

2 (1) surrender his or her Firearm Owner's
3 Identification Card to the local law enforcement agency
4 where the person resides. The local law enforcement agency
5 shall provide the person a receipt and transmit the Firearm
6 Owner's Identification Card to the Department of State
7 Police; and

8 (2) complete a Firearm Disposition Record on a form
9 prescribed by the Department of State Police and place his
10 or her firearms in the location or with the person reported
11 in the Firearm Disposition Record. The form shall require
12 the person to disclose:

13 (A) the make, model, and serial number of each
14 firearm owned by or under the custody and control of
15 the revoked or suspended person;

16 (B) the location where each firearm will be
17 maintained during the prohibited term; and

18 (C) if any firearm will be transferred to the
19 custody of another person, the name, address and
20 Firearm Owner's Identification Card number of the
21 transferee.

22 (a-5) The Firearm Disposition Record shall contain a
23 statement to be signed by the transferee that the transferee:

24 (1) is aware of, and will abide by, current law
25 regarding the unlawful transfer of a firearm;

26 (2) is aware of the penalties for violating the law as

1 it pertains to unlawful transfer of a firearm; and

2 (3) intends to retain possession of the firearm or
3 firearms until it is determined that the transferor is
4 legally eligible to possess a firearm and has an active
5 Firearm Owner's Identification Card, if applicable, or
6 until a new person is chosen to hold the firearm or
7 firearms.

8 (b) The local law enforcement agency shall provide a copy
9 of the Firearm Disposition Record to the person whose Firearm
10 Owner's Identification Card has been revoked or suspended, the
11 transferee, and to the Department of State Police.

12 (c) The Department of State Police shall conduct
13 enforcement operations against persons whose Firearm Owner's
14 Identification Cards have been revoked or suspended and persons
15 who fail to comply with the requirements of this Section,
16 prioritizing individuals presenting a clear and present danger
17 to themselves or to others under paragraph (2) of subsection

18 (d) of Section 8.1. If the person whose Firearm Owner's
19 Identification Card has been revoked or suspended fails to
20 comply with the requirements of this Section, the sheriff or
21 law enforcement agency where the person resides may petition
22 the circuit court to issue a warrant to search for and seize
23 the Firearm Owner's Identification Card and firearms in the
24 possession or under the custody or control of the person whose
25 Firearm Owner's Identification Card has been revoked or
26 suspended.

1 (d) A violation of subsection (a) of this Section is a
2 Class A misdemeanor.

3 (e) The observation of a Firearm Owner's Identification
4 Card in the possession of a person whose Firearm Owner's
5 Identification Card has been revoked or suspended constitutes a
6 sufficient basis for the arrest of that person for violation of
7 this Section.

8 (f) Within 30 days after the effective date of this
9 amendatory Act of the 98th General Assembly, the Department of
10 State Police shall provide written notice of the requirements
11 of this Section to persons whose Firearm Owner's Identification
12 Cards have been revoked, suspended, or expired and who have
13 failed to surrender their cards to the Department.

14 (g) A person whose Firearm Owner's Identification Card has
15 been revoked or suspended and who received notice under
16 subsection (f) shall comply with the requirements of this
17 Section within 48 hours of receiving notice.

18 (h) Nothing in this Section prevents a court from from
19 ordering an individual to surrender his or her Firearm Owner's
20 Identification Card and any firearms to a law enforcement
21 agency of the court's choosing, in a timeframe shorter than 48
22 hours after receipt of the notice of revocation or suspension.

23 (Source: P.A. 98-63, eff. 7-9-13.)

24 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

25 Sec. 14. Sentence.

1 (a) Except as provided in subsection (a-5), a violation of
2 paragraph (1) of subsection (a) of Section 2, when the person's
3 Firearm Owner's Identification Card is expired but the person
4 is not otherwise disqualified from renewing the card, is a
5 Class A misdemeanor.

6 (a-5) A violation of paragraph (1) of subsection (a) of
7 Section 2, when the person's Firearm Owner's Identification
8 Card is expired but the person is not otherwise disqualified
9 from owning, purchasing, or possessing firearms, is a petty
10 offense if the card was expired for 6 months or less from the
11 date of expiration.

12 (b) Except as provided in subsection (a) with respect to an
13 expired card, a violation of paragraph (1) of subsection (a) of
14 Section 2 is a Class A misdemeanor when the person does not
15 possess a currently valid Firearm Owner's Identification Card,
16 but is otherwise eligible under this Act. A second or
17 subsequent violation is a Class 4 felony.

18 (c) A violation of paragraph (1) of subsection (a) of
19 Section 2 is a Class 3 felony when:

20 (1) the person's Firearm Owner's Identification Card
21 is revoked or subject to revocation under Section 8; or

22 (2) the person's Firearm Owner's Identification Card
23 is expired and not otherwise eligible for renewal under
24 this Act; or

25 (3) the person does not possess a currently valid
26 Firearm Owner's Identification Card, and the person is not

1 otherwise eligible under this Act.

2 (d) A violation of subsection (a) or (a-5) of Section 3 is
3 a Class 4 felony, except that a violation of item (G) of
4 subsection (a-5) of Section 3 is a Class A misdemeanor. A third
5 or subsequent conviction is a Class 1 felony.

6 (d-5) Any person who knowingly enters false information on
7 an application for a Firearm Owner's Identification Card, who
8 knowingly gives a false answer to any question on the
9 application, or who knowingly submits false evidence in
10 connection with an application is guilty of a Class 2 felony.

11 (e) Except as provided by Section 6.1 of this Act, any
12 other violation of this Act is a Class A misdemeanor.

13 (Source: P.A. 97-1131, eff. 1-1-13.)

14 Section 25. The Firearm Concealed Carry Act is amended by
15 changing Sections 30 and 50 and by adding Section 13 as
16 follows:

17 (430 ILCS 66/13 new)

18 Sec. 13. Email notifications. A person subject to this Act
19 may notify the Department upon application or at any time
20 thereafter that he or she would like to receive correspondence
21 from the Department via email rather than by mail.

22 (430 ILCS 66/30)

23 Sec. 30. Contents of license application.

1 (a) The license application shall be in writing, under
2 penalty of perjury, on a standard form adopted by the
3 Department and shall be accompanied by the documentation
4 required in this Section and the applicable fee. Each
5 application form shall include the following statement printed
6 in bold type: "Warning: Entering false information on this form
7 is punishable as perjury under Section 32-2 of the Criminal
8 Code of 2012."

9 (b) The application shall contain the following:

10 (1) the applicant's name, current address, date and
11 year of birth, place of birth, height, weight, hair color,
12 eye color, maiden name or any other name the applicant has
13 used or identified with, and any address where the
14 applicant resided for more than 30 days within the 10 years
15 preceding the date of the license application;

16 (2) the applicant's valid driver's license number or
17 valid state identification card number;

18 (3) a waiver of the applicant's privacy and
19 confidentiality rights and privileges under all federal
20 and state laws, including those limiting access to juvenile
21 court, criminal justice, psychological, or psychiatric
22 records or records relating to any institutionalization of
23 the applicant, and an affirmative request that a person
24 having custody of any of these records provide it or
25 information concerning it to the Department. The waiver
26 only applies to records sought in connection with

1 determining whether the applicant qualifies for a license
2 to carry a concealed firearm under this Act, or whether the
3 applicant remains in compliance with the Firearm Owners
4 Identification Card Act;

5 (4) an affirmation that the applicant possesses a
6 currently valid Firearm Owner's Identification Card and
7 card number if possessed or notice the applicant is
8 applying for a Firearm Owner's Identification Card in
9 conjunction with the license application;

10 (5) an affirmation that the applicant has not been
11 convicted or found guilty of:

12 (A) a felony;

13 (B) a misdemeanor involving the use or threat of
14 physical force or violence to any person within the 5
15 years preceding the date of the application; or

16 (C) 2 or more violations related to driving while
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination
19 thereof, within the 5 years preceding the date of the
20 license application; and

21 (6) whether the applicant has failed a drug test for a
22 drug for which the applicant did not have a prescription,
23 within the previous year, and if so, the provider of the
24 test, the specific substance involved, and the date of the
25 test;

26 (7) written consent for the Department to review and

1 use the applicant's Illinois digital driver's license or
2 Illinois identification card photograph and signature;

3 (8) a full set of fingerprints submitted to the
4 Department in electronic format in a form and manner
5 prescribed by the Department, unless the applicant has
6 previously provided a full set of his or her fingerprints
7 to the Department under the Firearm Owners Identification
8 Card Act; , provided the Department may accept an
9 application submitted without a set of fingerprints in
10 which case the Department shall be granted 30 days in
11 addition to the 90 days provided under subsection (c) of
12 Section 10 of this Act to issue or deny a license;

13 (9) a head and shoulder color photograph in a size
14 specified by the Department taken within the 30 days
15 preceding the date of the license application; and

16 (10) a photocopy of any certificates or other evidence
17 of compliance with the training requirements under this
18 Act.

19 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

20 (430 ILCS 66/50)

21 Sec. 50. License renewal. Applications for renewal of a
22 license shall be made to the Department. A license shall be
23 renewed for a period of 5 years upon receipt of a completed
24 renewal application, completion of 3 hours of training required
25 under Section 75 of this Act, payment of the applicable renewal

1 fee, and completion of an investigation under Section 35 of
2 this Act. The renewal application shall contain the information
3 required in Section 30 of this Act, except that the applicant
4 need not resubmit a full set of fingerprints if the applicant
5 has previously provided a full set of his or her fingerprints
6 to the Department under this Act or the Firearm Owners
7 Identification Card Act.

8 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

9 Section 30. The Criminal Code of 2012 is amended by
10 changing Section 24-3 as follows:

11 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

12 Sec. 24-3. Unlawful sale or delivery of firearms.

13 (A) A person commits the offense of unlawful sale or
14 delivery of firearms when he or she knowingly does any of the
15 following:

16 (a) Sells or gives any firearm of a size which may be
17 concealed upon the person to any person under 18 years of
18 age.

19 (b) Sells or gives any firearm to a person under 21
20 years of age who has been convicted of a misdemeanor other
21 than a traffic offense or adjudged delinquent.

22 (c) Sells or gives any firearm to any narcotic addict.

23 (d) Sells or gives any firearm to any person who has
24 been convicted of a felony under the laws of this or any

1 other jurisdiction.

2 (e) Sells or gives any firearm to any person who has
3 been a patient in a mental institution within the past 5
4 years. In this subsection (e):

5 "Mental institution" means any hospital,
6 institution, clinic, evaluation facility, mental
7 health center, or part thereof, which is used primarily
8 for the care or treatment of persons with mental
9 illness.

10 "Patient in a mental institution" means the person
11 was admitted, either voluntarily or involuntarily, to
12 a mental institution for mental health treatment,
13 unless the treatment was voluntary and solely for an
14 alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness.

16 (f) Sells or gives any firearms to any person who is a
17 person with an intellectual disability.

18 (g) Delivers any firearm, incidental to a sale, without
19 withholding delivery of the firearm for at least 72 hours
20 after application for its purchase has been made, or
21 delivers a stun gun or taser, incidental to a sale, without
22 withholding delivery of the stun gun or taser for at least
23 24 hours after application for its purchase has been made.
24 However, this paragraph (g) does not apply to: (1) the sale
25 of a firearm to a law enforcement officer if the seller of
26 the firearm knows that the person to whom he or she is

1 selling the firearm is a law enforcement officer or the
2 sale of a firearm to a person who desires to purchase a
3 firearm for use in promoting the public interest incident
4 to his or her employment as a bank guard, armed truck
5 guard, or other similar employment; (2) a mail order sale
6 of a firearm from a federally licensed firearms dealer to a
7 nonresident of Illinois under which the firearm is mailed
8 to a federally licensed firearms dealer outside the
9 boundaries of Illinois; (3) (blank); (4) the sale of a
10 firearm to a dealer licensed as a federal firearms dealer
11 under Section 923 of the federal Gun Control Act of 1968
12 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
13 shotgun, or other long gun to a resident registered
14 competitor or attendee or non-resident registered
15 competitor or attendee by any dealer licensed as a federal
16 firearms dealer under Section 923 of the federal Gun
17 Control Act of 1968 at competitive shooting events held at
18 the World Shooting Complex sanctioned by a national
19 governing body. For purposes of transfers or sales under
20 subparagraph (5) of this paragraph (g), the Department of
21 Natural Resources shall give notice to the Department of
22 State Police at least 30 calendar days prior to any
23 competitive shooting events at the World Shooting Complex
24 sanctioned by a national governing body. The notification
25 shall be made on a form prescribed by the Department of
26 State Police. The sanctioning body shall provide a list of

1 all registered competitors and attendees at least 24 hours
2 before the events to the Department of State Police. Any
3 changes to the list of registered competitors and attendees
4 shall be forwarded to the Department of State Police as
5 soon as practicable. The Department of State Police must
6 destroy the list of registered competitors and attendees no
7 later than 30 days after the date of the event. Nothing in
8 this paragraph (g) relieves a federally licensed firearm
9 dealer from the requirements of conducting a NICS
10 background check through the Illinois Point of Contact
11 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
12 "application" means when the buyer and seller reach an
13 agreement to purchase a firearm. For purposes of this
14 paragraph (g), "national governing body" means a group of
15 persons who adopt rules and formulate policy on behalf of a
16 national firearm sporting organization.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, (1) "firearm" is defined as in
25 the Firearm Owners Identification Card Act; and (2)
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who does not possess a valid Firearm
6 Owner's Identification Card.

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail without
9 being licensed as a federal firearms dealer under Section
10 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

11 In this paragraph (j):

12 A person "engaged in the business" means a person who
13 devotes time, attention, and labor to engaging in the
14 activity as a regular course of trade or business with the
15 principal objective of livelihood and profit, but does not
16 include a person who makes occasional repairs of firearms
17 or who occasionally fits special barrels, stocks, or
18 trigger mechanisms to firearms.

19 "With the principal objective of livelihood and
20 profit" means that the intent underlying the sale or
21 disposition of firearms is predominantly one of obtaining
22 livelihood and pecuniary gain, as opposed to other intents,
23 such as improving or liquidating a personal firearms
24 collection; however, proof of profit shall not be required
25 as to a person who engages in the regular and repetitive
26 purchase and disposition of firearms for criminal purposes

1 or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person in violation of Section 3 of the Firearm Owners
4 Identification Card Act ~~who does not display to the seller~~
5 ~~or transferor of the firearm either: (1) a currently valid~~
6 ~~Firearm Owner's Identification Card that has previously~~
7 ~~been issued in the transferee's name by the Department of~~
8 ~~State Police under the provisions of the Firearm Owners~~
9 ~~Identification Card Act; or (2) a currently valid license~~
10 ~~to carry a concealed firearm that has previously been~~
11 ~~issued in the transferee's name by the Department of State~~
12 ~~Police under the Firearm Concealed Carry Act. This~~
13 ~~paragraph (k) does not apply to the transfer of a firearm~~
14 ~~to a person who is exempt from the requirement of~~
15 ~~possessing a Firearm Owner's Identification Card under~~
16 ~~Section 2 of the Firearm Owners Identification Card Act.~~
17 ~~For the purposes of this Section, a currently valid Firearm~~
18 ~~Owner's Identification Card means (i) a Firearm Owner's~~
19 ~~Identification Card that has not expired or (ii) an~~
20 ~~approval number issued in accordance with subsection~~
21 ~~(a-10) of subsection 3 or Section 3.1 of the Firearm Owners~~
22 ~~Identification Card Act shall be proof that the Firearm~~
23 ~~Owner's Identification Card was valid.~~

24 (1) (Blank). ~~In addition to the other requirements~~
25 ~~of this paragraph (k), all persons who are not~~
26 ~~federally licensed firearms dealers must also have~~

1 ~~complied with subsection (a-10) of Section 3 of the~~
2 ~~Firearm Owners Identification Card Act by determining~~
3 ~~the validity of a purchaser's Firearm Owner's~~
4 ~~Identification Card.~~

5 (2) All sellers or transferors who have complied
6 with the requirements of ~~subparagraph (1)~~ of this
7 paragraph (k) shall not be liable for damages in any
8 civil action arising from the use or misuse by the
9 transferee of the firearm transferred, except for
10 willful or wanton misconduct on the part of the seller
11 or transferor.

12 (1) Not being entitled to the possession of a firearm,
13 delivers the firearm, knowing it to have been stolen or
14 converted. It may be inferred that a person who possesses a
15 firearm with knowledge that its serial number has been
16 removed or altered has knowledge that the firearm is stolen
17 or converted.

18 (B) Paragraph (h) of subsection (A) does not include
19 firearms sold within 6 months after enactment of Public Act
20 78-355 (approved August 21, 1973, effective October 1, 1973),
21 nor is any firearm legally owned or possessed by any citizen or
22 purchased by any citizen within 6 months after the enactment of
23 Public Act 78-355 subject to confiscation or seizure under the
24 provisions of that Public Act. Nothing in Public Act 78-355
25 shall be construed to prohibit the gift or trade of any firearm
26 if that firearm was legally held or acquired within 6 months

1 after the enactment of that Public Act.

2 (C) Sentence.

3 (1) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (c), (e), (f), (g),
5 or (h) of subsection (A) commits a Class 4 felony.

6 (2) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (b) or (i) of
8 subsection (A) commits a Class 3 felony.

9 (3) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a) of subsection (A)
11 commits a Class 2 felony.

12 (4) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a), (b), or (i) of
14 subsection (A) in any school, on the real property
15 comprising a school, within 1,000 feet of the real property
16 comprising a school, at a school related activity, or on or
17 within 1,000 feet of any conveyance owned, leased, or
18 contracted by a school or school district to transport
19 students to or from school or a school related activity,
20 regardless of the time of day or time of year at which the
21 offense was committed, commits a Class 1 felony. Any person
22 convicted of a second or subsequent violation of unlawful
23 sale or delivery of firearms in violation of paragraph (a),
24 (b), or (i) of subsection (A) in any school, on the real
25 property comprising a school, within 1,000 feet of the real
26 property comprising a school, at a school related activity,

1 or on or within 1,000 feet of any conveyance owned, leased,
2 or contracted by a school or school district to transport
3 students to or from school or a school related activity,
4 regardless of the time of day or time of year at which the
5 offense was committed, commits a Class 1 felony for which
6 the sentence shall be a term of imprisonment of no less
7 than 5 years and no more than 15 years.

8 (5) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a) or (i) of
10 subsection (A) in residential property owned, operated, or
11 managed by a public housing agency or leased by a public
12 housing agency as part of a scattered site or mixed-income
13 development, in a public park, in a courthouse, on
14 residential property owned, operated, or managed by a
15 public housing agency or leased by a public housing agency
16 as part of a scattered site or mixed-income development, on
17 the real property comprising any public park, on the real
18 property comprising any courthouse, or on any public way
19 within 1,000 feet of the real property comprising any
20 public park, courthouse, or residential property owned,
21 operated, or managed by a public housing agency or leased
22 by a public housing agency as part of a scattered site or
23 mixed-income development commits a Class 2 felony.

24 (6) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (j) of subsection (A)
26 commits a Class A misdemeanor. A second or subsequent

1 violation is a Class 4 felony.

2 (7) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (k) of subsection (A)
4 commits a Class 4 felony, except that a violation of item
5 (G) of subsection (a-5) of Section 3 of the Firearm Owners
6 Identification Card Act is a Class A misdemeanor
7 ~~subparagraph (1) of paragraph (k) of subsection (A) shall~~
8 ~~not be punishable as a crime or petty offense.~~ A third or
9 subsequent conviction for a violation of paragraph (k) of
10 subsection (A) is a Class 1 felony.

11 (8) A person 18 years of age or older convicted of
12 unlawful sale or delivery of firearms in violation of
13 paragraph (a) or (i) of subsection (A), when the firearm
14 that was sold or given to another person under 18 years of
15 age was used in the commission of or attempt to commit a
16 forcible felony, shall be fined or imprisoned, or both, not
17 to exceed the maximum provided for the most serious
18 forcible felony so committed or attempted by the person
19 under 18 years of age who was sold or given the firearm.

20 (9) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (d) of subsection (A)
22 commits a Class 3 felony.

23 (10) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection (A)
25 commits a Class 2 felony if the delivery is of one firearm.
26 Any person convicted of unlawful sale or delivery of

1 firearms in violation of paragraph (1) of subsection (A)
2 commits a Class 1 felony if the delivery is of not less
3 than 2 and not more than 5 firearms at the same time or
4 within a one year period. Any person convicted of unlawful
5 sale or delivery of firearms in violation of paragraph (1)
6 of subsection (A) commits a Class X felony for which he or
7 she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 30 years if the
9 delivery is of not less than 6 and not more than 10
10 firearms at the same time or within a 2 year period. Any
11 person convicted of unlawful sale or delivery of firearms
12 in violation of paragraph (1) of subsection (A) commits a
13 Class X felony for which he or she shall be sentenced to a
14 term of imprisonment of not less than 6 years and not more
15 than 40 years if the delivery is of not less than 11 and
16 not more than 20 firearms at the same time or within a 3
17 year period. Any person convicted of unlawful sale or
18 delivery of firearms in violation of paragraph (1) of
19 subsection (A) commits a Class X felony for which he or she
20 shall be sentenced to a term of imprisonment of not less
21 than 6 years and not more than 50 years if the delivery is
22 of not less than 21 and not more than 30 firearms at the
23 same time or within a 4 year period. Any person convicted
24 of unlawful sale or delivery of firearms in violation of
25 paragraph (1) of subsection (A) commits a Class X felony
26 for which he or she shall be sentenced to a term of

1 imprisonment of not less than 6 years and not more than 60
2 years if the delivery is of 31 or more firearms at the same
3 time or within a 5 year period.

4 (D) For purposes of this Section:

5 "School" means a public or private elementary or secondary
6 school, community college, college, or university.

7 "School related activity" means any sporting, social,
8 academic, or other activity for which students' attendance or
9 participation is sponsored, organized, or funded in whole or in
10 part by a school or school district.

11 (E) A prosecution for a violation of paragraph (k) of
12 subsection (A) of this Section may be commenced within 6 years
13 after the commission of the offense. A prosecution for a
14 violation of this Section other than paragraph (g) of
15 subsection (A) of this Section may be commenced within 5 years
16 after the commission of the offense defined in the particular
17 paragraph.

18 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
19 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

20 Section 35. The Code of Criminal Procedure of 1963 is
21 amended by changing Section 110-10 as follows:

22 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

23 Sec. 110-10. Conditions of bail bond.

24 (a) If a person is released prior to conviction, either

1 upon payment of bail security or on his or her own
2 recognizance, the conditions of the bail bond shall be that he
3 or she will:

4 (1) Appear to answer the charge in the court having
5 jurisdiction on a day certain and thereafter as ordered by
6 the court until discharged or final order of the court;

7 (2) Submit himself or herself to the orders and process
8 of the court;

9 (3) Not depart this State without leave of the court;

10 (4) Not violate any criminal statute of any
11 jurisdiction;

12 (5) At a time and place designated by the court, the
13 defendant shall physically surrender all firearms in his or
14 her possession to a law enforcement agency designated by
15 the court to take custody of and impound the firearms and
16 physically surrender his or her Firearm Owner's
17 Identification Card to the law enforcement agency as a
18 condition of remaining on bond pending trial ~~surrender all~~
19 ~~firearms in his or her possession to a law enforcement~~
20 ~~officer designated by the court to take custody of and~~
21 ~~impound the firearms and physically surrender his or her~~
22 ~~Firearm Owner's Identification Card to the clerk of the~~
23 ~~circuit court~~ when the offense the person has been charged
24 with is a forcible felony, stalking, aggravated stalking,
25 domestic battery, any violation of the Illinois Controlled
26 Substances Act, the Methamphetamine Control and Community

1 Protection Act, or the Cannabis Control Act that is
2 classified as a Class 2 or greater felony, or any felony
3 violation of Article 24 of the Criminal Code of 1961 or the
4 Criminal Code of 2012. A defendant whose Firearm Owner's
5 Identification Card has been revoked or suspended may
6 petition the court to transfer the defendant's firearm to a
7 person who is lawfully able to possess the firearm if the
8 person does not reside at the same address as the
9 defendant. Any transfer must be conducted under Section 3
10 of the Firearm Owners Identification Card Act. The
11 transferee who receives the defendant's firearms must
12 swear or affirm by affidavit that he or she shall not
13 transfer the firearm to the defendant or to anyone residing
14 in the same residence as the defendant, until the
15 defendant's Firearm Owner's Identification Card has been
16 reinstated. The law enforcement agency, upon transfer of
17 the firearms, shall require the defendant to complete a
18 Firearm Disposition Record under Section 9.5 of the Firearm
19 Owners Identification Card Act and provide a copy to the
20 Department of State Police along with the defendant's
21 Firearm Owner's Identification Card; the court may,
22 however, forgo the imposition of this condition when the
23 defendant has provided proof to the court that he or she
24 has legally disposed or transferred his or her firearms and
25 returned his or her Firearm Owner's Identification Card to
26 the Department of State Police. If the court finds the

1 circumstances of the case clearly do not warrant it or when
2 its imposition would be impractical, the court shall
3 indicate on the record and in writing and the court's basis
4 for making the determination ~~when the circumstances of the~~
5 ~~case clearly do not warrant it or when its imposition would~~
6 ~~be impractical; all legally possessed firearms shall be~~
7 returned to the person upon proof being provided to the law
8 enforcement agency of the reinstatement of the person's
9 Firearm Owner's Identification Card; if the Firearm
10 ~~Owner's Identification Card is confiscated, the clerk of~~
11 ~~the circuit court shall mail the confiscated card to the~~
12 ~~Illinois State Police; all legally possessed firearms~~
13 ~~shall be returned to the person upon the charges being~~
14 ~~dismissed, or if the person is found not guilty, unless the~~
15 ~~finding of not guilty is by reason of insanity; and~~

16 (6) At a time and place designated by the court, submit
17 to a psychological evaluation when the person has been
18 charged with a violation of item (4) of subsection (a) of
19 Section 24-1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 and that violation occurred in a school or in
21 any conveyance owned, leased, or contracted by a school to
22 transport students to or from school or a school-related
23 activity, or on any public way within 1,000 feet of real
24 property comprising any school.

25 Psychological evaluations ordered pursuant to this Section
26 shall be completed promptly and made available to the State,

1 the defendant, and the court. As a further condition of bail
2 under these circumstances, the court shall order the defendant
3 to refrain from entering upon the property of the school,
4 including any conveyance owned, leased, or contracted by a
5 school to transport students to or from school or a
6 school-related activity, or on any public way within 1,000 feet
7 of real property comprising any school. Upon receipt of the
8 psychological evaluation, either the State or the defendant may
9 request a change in the conditions of bail, pursuant to Section
10 110-6 of this Code. The court may change the conditions of bail
11 to include a requirement that the defendant follow the
12 recommendations of the psychological evaluation, including
13 undergoing psychiatric treatment. The conclusions of the
14 psychological evaluation and any statements elicited from the
15 defendant during its administration are not admissible as
16 evidence of guilt during the course of any trial on the charged
17 offense, unless the defendant places his or her mental
18 competency in issue.

19 (b) The court may impose other conditions, such as the
20 following, if the court finds that such conditions are
21 reasonably necessary to assure the defendant's appearance in
22 court, protect the public from the defendant, or prevent the
23 defendant's unlawful interference with the orderly
24 administration of justice:

25 (1) Report to or appear in person before such person or
26 agency as the court may direct;

1 (2) Refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) Refrain from approaching or communicating with
4 particular persons or classes of persons;

5 (4) Refrain from going to certain described
6 geographical areas or premises;

7 (5) Refrain from engaging in certain activities or
8 indulging in intoxicating liquors or in certain drugs;

9 (6) Undergo treatment for drug addiction or
10 alcoholism;

11 (7) Undergo medical or psychiatric treatment;

12 (8) Work or pursue a course of study or vocational
13 training;

14 (9) Attend or reside in a facility designated by the
15 court;

16 (10) Support his or her dependents;

17 (11) If a minor resides with his or her parents or in a
18 foster home, attend school, attend a non-residential
19 program for youths, and contribute to his or her own
20 support at home or in a foster home;

21 (12) Observe any curfew ordered by the court;

22 (13) Remain in the custody of such designated person or
23 organization agreeing to supervise his release. Such third
24 party custodian shall be responsible for notifying the
25 court if the defendant fails to observe the conditions of
26 release which the custodian has agreed to monitor, and

1 shall be subject to contempt of court for failure so to
2 notify the court;

3 (14) Be placed under direct supervision of the Pretrial
4 Services Agency, Probation Department or Court Services
5 Department in a pretrial bond home supervision capacity
6 with or without the use of an approved electronic
7 monitoring device subject to Article 8A of Chapter V of the
8 Unified Code of Corrections;

9 (14.1) The court shall impose upon a defendant who is
10 charged with any alcohol, cannabis, methamphetamine, or
11 controlled substance violation and is placed under direct
12 supervision of the Pretrial Services Agency, Probation
13 Department or Court Services Department in a pretrial bond
14 home supervision capacity with the use of an approved
15 monitoring device, as a condition of such bail bond, a fee
16 that represents costs incidental to the electronic
17 monitoring for each day of such bail supervision ordered by
18 the court, unless after determining the inability of the
19 defendant to pay the fee, the court assesses a lesser fee
20 or no fee as the case may be. The fee shall be collected by
21 the clerk of the circuit court, except as provided in an
22 administrative order of the Chief Judge of the circuit
23 court. The clerk of the circuit court shall pay all monies
24 collected from this fee to the county treasurer for deposit
25 in the substance abuse services fund under Section 5-1086.1
26 of the Counties Code, except as provided in an

1 administrative order of the Chief Judge of the circuit
2 court.

3 The Chief Judge of the circuit court of the county may
4 by administrative order establish a program for electronic
5 monitoring of offenders with regard to drug-related and
6 alcohol-related offenses, in which a vendor supplies and
7 monitors the operation of the electronic monitoring
8 device, and collects the fees on behalf of the county. The
9 program shall include provisions for indigent offenders
10 and the collection of unpaid fees. The program shall not
11 unduly burden the offender and shall be subject to review
12 by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device;

16 (14.2) The court shall impose upon all defendants,
17 including those defendants subject to paragraph (14.1)
18 above, placed under direct supervision of the Pretrial
19 Services Agency, Probation Department or Court Services
20 Department in a pretrial bond home supervision capacity
21 with the use of an approved monitoring device, as a
22 condition of such bail bond, a fee which shall represent
23 costs incidental to such electronic monitoring for each day
24 of such bail supervision ordered by the court, unless after
25 determining the inability of the defendant to pay the fee,
26 the court assesses a lesser fee or no fee as the case may

1 be. The fee shall be collected by the clerk of the circuit
2 court, except as provided in an administrative order of the
3 Chief Judge of the circuit court. The clerk of the circuit
4 court shall pay all monies collected from this fee to the
5 county treasurer who shall use the monies collected to
6 defray the costs of corrections. The county treasurer shall
7 deposit the fee collected in the county working cash fund
8 under Section 6-27001 or Section 6-29002 of the Counties
9 Code, as the case may be, except as provided in an
10 administrative order of the Chief Judge of the circuit
11 court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor supplies and
16 monitors the operation of the electronic monitoring
17 device, and collects the fees on behalf of the county. The
18 program shall include provisions for indigent offenders
19 and the collection of unpaid fees. The program shall not
20 unduly burden the offender and shall be subject to review
21 by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device;

25 (14.3) The Chief Judge of the Judicial Circuit may
26 establish reasonable fees to be paid by a person receiving

1 pretrial services while under supervision of a pretrial
2 services agency, probation department, or court services
3 department. Reasonable fees may be charged for pretrial
4 services including, but not limited to, pretrial
5 supervision, diversion programs, electronic monitoring,
6 victim impact services, drug and alcohol testing, DNA
7 testing, GPS electronic monitoring, assessments and
8 evaluations related to domestic violence and other
9 victims, and victim mediation services. The person
10 receiving pretrial services may be ordered to pay all costs
11 incidental to pretrial services in accordance with his or
12 her ability to pay those costs;

13 (14.4) For persons charged with violating Section
14 11-501 of the Illinois Vehicle Code, refrain from operating
15 a motor vehicle not equipped with an ignition interlock
16 device, as defined in Section 1-129.1 of the Illinois
17 Vehicle Code, pursuant to the rules promulgated by the
18 Secretary of State for the installation of ignition
19 interlock devices. Under this condition the court may allow
20 a defendant who is not self-employed to operate a vehicle
21 owned by the defendant's employer that is not equipped with
22 an ignition interlock device in the course and scope of the
23 defendant's employment;

24 (15) Comply with the terms and conditions of an order
25 of protection issued by the court under the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory;

3 (16) Under Section 110-6.5 comply with the conditions
4 of the drug testing program; and

5 (17) Such other reasonable conditions as the court may
6 impose.

7 (c) When a person is charged with an offense under Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
9 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, involving a victim who is a minor under
11 18 years of age living in the same household with the defendant
12 at the time of the offense, in granting bail or releasing the
13 defendant on his own recognizance, the judge shall impose
14 conditions to restrict the defendant's access to the victim
15 which may include, but are not limited to conditions that he
16 will:

17 1. Vacate the household.

18 2. Make payment of temporary support to his dependents.

19 3. Refrain from contact or communication with the child
20 victim, except as ordered by the court.

21 (d) When a person is charged with a criminal offense and
22 the victim is a family or household member as defined in
23 Article 112A, conditions shall be imposed at the time of the
24 defendant's release on bond that restrict the defendant's
25 access to the victim. Unless provided otherwise by the court,
26 the restrictions shall include requirements that the defendant

1 do the following:

2 (1) refrain from contact or communication with the
3 victim for a minimum period of 72 hours following the
4 defendant's release; and

5 (2) refrain from entering or remaining at the victim's
6 residence for a minimum period of 72 hours following the
7 defendant's release.

8 (e) Local law enforcement agencies shall develop
9 standardized bond forms for use in cases involving family or
10 household members as defined in Article 112A, including
11 specific conditions of bond as provided in subsection (d).
12 Failure of any law enforcement department to develop or use
13 those forms shall in no way limit the applicability and
14 enforcement of subsections (d) and (f).

15 (f) If the defendant is admitted to bail after conviction
16 the conditions of the bail bond shall be that he will, in
17 addition to the conditions set forth in subsections (a) and (b)
18 hereof:

19 (1) Duly prosecute his appeal;

20 (2) Appear at such time and place as the court may
21 direct;

22 (3) Not depart this State without leave of the court;

23 (4) Comply with such other reasonable conditions as the
24 court may impose; and

25 (5) If the judgment is affirmed or the cause reversed
26 and remanded for a new trial, forthwith surrender to the

1 officer from whose custody he was bailed.

2 (g) Upon a finding of guilty for any felony offense, the
3 defendant shall physically surrender, at a time and place
4 designated by the court, all firearms in his or her possession
5 to a law enforcement officer designated by the court to take
6 custody of and impound the firearms and physically surrender
7 his or her Firearm Owner's Identification Card to the law
8 enforcement agency as a condition of remaining on bond pending
9 sentencing. A defendant whose Firearm Owner's Identification
10 Card has been revoked or suspended may petition the court to
11 transfer the defendant's firearm to a person who is lawfully
12 able to possess the firearm if the person does not reside at
13 the same address as the defendant. Any transfer must be
14 conducted under Section 3 of the Firearm Owners Identification
15 Card Act. The transferee who receives the defendant's firearms
16 must swear or affirm by affidavit that he or she shall not
17 transfer the firearm to the defendant or to anyone residing in
18 the same residence as the defendant, until the defendant's
19 Firearm Owner's Identification Card has been reinstated. The
20 law enforcement agency, upon transfer of the firearms, shall
21 require the defendant to complete a Firearm Disposition Record
22 under Section 9.5 of the Firearm Owners Identification Card Act
23 and provide a copy to the Department of State Police along with
24 the defendant's Firearm Owner's Identification Card ~~the~~
25 ~~defendant shall physically surrender, at a time and place~~
26 ~~designated by the court, any and all firearms in his or her~~

1 ~~possession and his or her Firearm Owner's Identification Card~~
2 as a condition of remaining on bond pending sentencing.

3 (h) Upon indictment for any felony offense, the defendant
4 shall physically surrender, at a time and place designated by
5 the court, all firearms in his or her possession to a law
6 enforcement officer designated by the court to take custody of
7 and impound the firearms and physically surrender his or her
8 Firearm Owner's Identification Card to the law enforcement
9 agency as a condition of remaining on bond pending trial. A
10 defendant whose Firearm Owner's Identification Card has been
11 revoked or suspended may petition the court to transfer the
12 defendant's firearm to a person who is lawfully able to possess
13 the firearm if the person does not reside at the same address
14 as the defendant. Any transfer must be conducted under Section
15 3 of the Firearm Owners Identification Card Act. The transferee
16 who receives the defendant's firearms must swear or affirm by
17 affidavit that he or she shall not transfer the firearm to the
18 defendant or to anyone residing in the same residence as the
19 defendant, until the defendant's Firearm Owner's
20 Identification Card has been reinstated. The law enforcement
21 agency upon transfer of the firearms shall require the
22 defendant to complete a Firearm Disposition Record under
23 Section 9.5 of the Firearm Owners Identification Card Act and
24 provide a copy to the Department of State Police along with the
25 defendants Firearm Owner's Identification Card. All legally
26 possessed firearms shall be returned to the person upon proof

1 being provided to the law enforcement agency of the
2 reinstatement of the person's Firearm Owner's Identification
3 Card.

4 (Source: P.A. 99-797, eff. 8-12-16.)

5 Section 40. The Unified Code of Corrections is amended by
6 changing Section 5-6-3 as follows:

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 (Text of Section before amendment by P.A. 100-987)

9 Sec. 5-6-3. Conditions of probation and of conditional
10 discharge.

11 (a) The conditions of probation and of conditional
12 discharge shall be that the person:

13 (1) not violate any criminal statute of any
14 jurisdiction;

15 (2) report to or appear in person before such person or
16 agency as directed by the court;

17 (3) refrain from possessing a firearm or other
18 dangerous weapon where the offense is a felony or, if a
19 misdemeanor, the offense involved the intentional or
20 knowing infliction of bodily harm or threat of bodily harm;

21 (4) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature that prior consent
24 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at his
7 home or elsewhere to the extent necessary to discharge his
8 duties;

9 (6) perform no less than 30 hours of community service
10 and not more than 120 hours of community service, if
11 community service is available in the jurisdiction and is
12 funded and approved by the county board where the offense
13 was committed, where the offense was related to or in
14 furtherance of the criminal activities of an organized gang
15 and was motivated by the offender's membership in or
16 allegiance to an organized gang. The community service
17 shall include, but not be limited to, the cleanup and
18 repair of any damage caused by a violation of Section
19 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
20 2012 and similar damage to property located within the
21 municipality or county in which the violation occurred.
22 When possible and reasonable, the community service should
23 be performed in the offender's neighborhood. For purposes
24 of this Section, "organized gang" has the meaning ascribed
25 to it in Section 10 of the Illinois Streetgang Terrorism
26 Omnibus Prevention Act. The court may give credit toward

1 the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services;

4 (7) if he or she is at least 17 years of age and has
5 been sentenced to probation or conditional discharge for a
6 misdemeanor or felony in a county of 3,000,000 or more
7 inhabitants and has not been previously convicted of a
8 misdemeanor or felony, may be required by the sentencing
9 court to attend educational courses designed to prepare the
10 defendant for a high school diploma and to work toward a
11 high school diploma or to work toward passing high school
12 equivalency testing or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend a
15 public institution of education to obtain the educational
16 or vocational training required by this paragraph (7). The
17 court shall revoke the probation or conditional discharge
18 of a person who wilfully fails to comply with this
19 paragraph (7). The person on probation or conditional
20 discharge shall be required to pay for the cost of the
21 educational courses or high school equivalency testing if a
22 fee is charged for those courses or testing. The court
23 shall resentence the offender whose probation or
24 conditional discharge has been revoked as provided in
25 Section 5-6-4. This paragraph (7) does not apply to a
26 person who has a high school diploma or has successfully

1 passed high school equivalency testing. This paragraph (7)
2 does not apply to a person who is determined by the court
3 to be a person with a developmental disability or otherwise
4 mentally incapable of completing the educational or
5 vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is not related to the accused and whom the
17 accused reasonably believes to be under 18 years of age;
18 for purposes of this paragraph (8.7), "Internet" has the
19 meaning ascribed to it in Section 16-0.1 of the Criminal
20 Code of 2012; and a person is not related to the accused if
21 the person is not: (i) the spouse, brother, or sister of
22 the accused; (ii) a descendant of the accused; (iii) a
23 first or second cousin of the accused; or (iv) a step-child
24 or adopted child of the accused;

25 (8.8) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the offender's probation officer,
9 except in connection with the offender's employment or
10 search for employment with the prior approval of the
11 offender's probation officer;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's probation
15 officer, a law enforcement officer, or assigned
16 computer or information technology specialist,
17 including the retrieval and copying of all data from
18 the computer or device and any internal or external
19 peripherals and removal of such information,
20 equipment, or device to conduct a more thorough
21 inspection;

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or software
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the offender's probation officer;

4 (8.9) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (9) if convicted ~~of a felony or~~ of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
15 physically surrender, at a time and place designated by the
16 court, all firearms in his or her possession to a law
17 enforcement officer designated by the court to take custody
18 of and impound the firearms and physically surrender his or
19 her Firearm Owner's Identification Card to the law
20 enforcement agency as a condition of remaining on bond
21 pending sentencing. A defendant whose Firearm Owner's
22 Identification Card has been revoked or suspended may
23 petition the court to transfer the defendant's firearm to a
24 person who is lawfully able to possess the firearm if the
25 person does not reside at the same address as the
26 defendant. Any transfer must be conducted under Section 3

1 of the Firearm Owners Identification Card Act. The
2 transferee who receives the defendant's firearms must
3 swear or affirm by affidavit that he or she shall not
4 transfer the firearm to the defendant or to anyone residing
5 in the same residence as the defendant, until the
6 defendant's Firearm Owner's Identification Card has been
7 reinstated. The law enforcement agency, upon transfer of
8 the firearms, shall require the defendant to complete a
9 Firearm Disposition Record under Section 9.5 of the Firearm
10 Owner's Identification Card Act and provide a copy to the
11 Department of State Police along with the defendants
12 Firearm Owner's Identification Card ~~physically surrender~~
13 ~~at a time and place designated by the court, his or her~~
14 ~~Firearm Owner's Identification Card and any and all~~
15 ~~firearms in his or her possession. The Court shall return~~
16 ~~to the Department of State Police Firearm Owner's~~
17 ~~Identification Card Office the person's Firearm Owner's~~
18 ~~Identification Card;~~

19 (10) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter;

3 (11) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed on
5 or after January 1, 2010 (the effective date of Public Act
6 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any computer
8 scrub software on any computer that the sex offender uses;

9 (12) if convicted of a violation of the Methamphetamine
10 Control and Community Protection Act, the Methamphetamine
11 Precursor Control Act, or a methamphetamine related
12 offense:

13 (A) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 pseudoephedrine unless prescribed by a physician; and

16 (B) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 ammonium nitrate; ~~and~~

19 (13) if convicted of a hate crime involving the
20 protected class identified in subsection (a) of Section
21 12-7.1 of the Criminal Code of 2012 that gave rise to the
22 offense the offender committed, perform public or
23 community service of no less than 200 hours and enroll in
24 an educational program discouraging hate crimes that
25 includes racial, ethnic, and cultural sensitivity training
26 ordered by the court; ~~and~~

1 (14) if convicted of a felony, the defendant shall
2 physically surrender, at a time and place designated by the
3 court, all firearms in his or her possession to a law
4 enforcement officer designated by the court to take custody
5 of and impound the firearms and physically surrender his or
6 her Firearm Owner's Identification Card to the law
7 enforcement agency as a condition of remaining on bond
8 pending sentencing. A defendant whose Firearm Owner's
9 Identification Card has been revoked or suspended may
10 petition the court to transfer the defendant's firearm to a
11 person who is lawfully able to possess the firearm if the
12 person does not reside at the same address as the
13 defendant. Any transfer must be conducted under Section 3
14 of the Firearm Owners Identification Card Act. The
15 transferee who receives the defendant's firearms must
16 swear or affirm by affidavit that he or she shall not
17 transfer the firearm to the defendant or to anyone residing
18 in the same residence as the defendant, until the
19 defendant's Firearm Owner's Identification Card has been
20 reinstated. The law enforcement agency, upon transfer of
21 the firearms, shall require the defendant to complete a
22 Firearm Disposition Record under Section 9.5 of the Firearm
23 Owners Identification Card Act and provide a copy to the
24 Department of State Police along with the defendants
25 Firearm Owner's Identification Card; and

26 (15) if the person is under 21 years of age and has

1 been convicted of a misdemeanor offense other than a
2 traffic offense, the defendant shall physically surrender,
3 at a time and place designated by the court, all firearms
4 in his or her possession to a law enforcement officer
5 designated by the court to take custody of and impound the
6 firearms and physically surrender his or her Firearm
7 Owner's Identification Card to the law enforcement agency
8 as a condition of remaining on bond pending sentencing. A
9 defendant whose Firearm Owner's Identification Card has
10 been revoked or suspended may petition the court to
11 transfer the defendant's firearm to a person who is
12 lawfully able to possess the firearm if the person does not
13 reside at the same address as the defendant. Any transfer
14 must be conducted under Section 3 of the Firearm Owners
15 Identification Card Act. The transferee who receives the
16 defendant's firearms must swear or affirm by affidavit that
17 he or she shall not transfer the firearm to the defendant
18 or to anyone residing in the same residence as the
19 defendant, until the defendant's Firearm Owner's
20 Identification Card has been reinstated. The law
21 enforcement agency, upon transfer of the firearms, shall
22 require the defendant to complete a Firearm Disposition
23 Record under Section 9.5 of the Firearm Owners
24 Identification Card Act and provide a copy to the
25 Department of State Police along with the defendants
26 Firearm Owner's Identification Card.

1 (b) The Court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the Court require that
5 the person:

6 (1) serve a term of periodic imprisonment under Article
7 7 for a period not to exceed that specified in paragraph
8 (d) of Section 5-7-1;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (7) and in addition, if a minor:

18 (i) reside with his parents or in a foster home;

19 (ii) attend school;

20 (iii) attend a non-residential program for youth;

21 (iv) contribute to his own support at home or in a
22 foster home;

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is convicted of a crime of

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act committed in a school, on the real
3 property comprising a school, or within 1,000 feet of
4 the real property comprising a school;

5 (8) make restitution as provided in Section 5-5-6 of
6 this Code;

7 (9) perform some reasonable public or community
8 service;

9 (10) serve a term of home confinement. In addition to
10 any other applicable condition of probation or conditional
11 discharge, the conditions of home confinement shall be that
12 the offender:

13 (i) remain within the interior premises of the
14 place designated for his confinement during the hours
15 designated by the court;

16 (ii) admit any person or agent designated by the
17 court into the offender's place of confinement at any
18 time for purposes of verifying the offender's
19 compliance with the conditions of his confinement; and

20 (iii) if further deemed necessary by the court or
21 the Probation or Court Services Department, be placed
22 on an approved electronic monitoring device, subject
23 to Article 8A of Chapter V;

24 (iv) for persons convicted of any alcohol,
25 cannabis or controlled substance violation who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the offender to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court, except as provided in an administrative
11 order of the Chief Judge of the circuit court. The
12 clerk of the circuit court shall pay all monies
13 collected from this fee to the county treasurer for
14 deposit in the substance abuse services fund under
15 Section 5-1086.1 of the Counties Code, except as
16 provided in an administrative order of the Chief Judge
17 of the circuit court.

18 The Chief Judge of the circuit court of the county
19 may by administrative order establish a program for
20 electronic monitoring of offenders, in which a vendor
21 supplies and monitors the operation of the electronic
22 monitoring device, and collects the fees on behalf of
23 the county. The program shall include provisions for
24 indigent offenders and the collection of unpaid fees.
25 The program shall not unduly burden the offender and
26 shall be subject to review by the Chief Judge.

1 The Chief Judge of the circuit court may suspend
2 any additional charges or fees for late payment,
3 interest, or damage to any device; and

4 (v) for persons convicted of offenses other than
5 those referenced in clause (iv) above and who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the defendant to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The
18 clerk of the circuit court shall pay all monies
19 collected from this fee to the county treasurer who
20 shall use the monies collected to defray the costs of
21 corrections. The county treasurer shall deposit the
22 fee collected in the probation and court services fund.
23 The Chief Judge of the circuit court of the county may
24 by administrative order establish a program for
25 electronic monitoring of offenders, in which a vendor
26 supplies and monitors the operation of the electronic

1 monitoring device, and collects the fees on behalf of
2 the county. The program shall include provisions for
3 indigent offenders and the collection of unpaid fees.
4 The program shall not unduly burden the offender and
5 shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend
7 any additional charges or fees for late payment,
8 interest, or damage to any device.

9 (11) comply with the terms and conditions of an order
10 of protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986, as now or hereafter amended,
12 or an order of protection issued by the court of another
13 state, tribe, or United States territory. A copy of the
14 order of protection shall be transmitted to the probation
15 officer or agency having responsibility for the case;

16 (12) reimburse any "local anti-crime program" as
17 defined in Section 7 of the Anti-Crime Advisory Council Act
18 for any reasonable expenses incurred by the program on the
19 offender's case, not to exceed the maximum amount of the
20 fine authorized for the offense for which the defendant was
21 sentenced;

22 (13) contribute a reasonable sum of money, not to
23 exceed the maximum amount of the fine authorized for the
24 offense for which the defendant was sentenced, (i) to a
25 "local anti-crime program", as defined in Section 7 of the
26 Anti-Crime Advisory Council Act, or (ii) for offenses under

1 the jurisdiction of the Department of Natural Resources, to
2 the fund established by the Department of Natural Resources
3 for the purchase of evidence for investigation purposes and
4 to conduct investigations as outlined in Section 805-105 of
5 the Department of Natural Resources (Conservation) Law;

6 (14) refrain from entering into a designated
7 geographic area except upon such terms as the court finds
8 appropriate. Such terms may include consideration of the
9 purpose of the entry, the time of day, other persons
10 accompanying the defendant, and advance approval by a
11 probation officer, if the defendant has been placed on
12 probation or advance approval by the court, if the
13 defendant was placed on conditional discharge;

14 (15) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of persons, including but not limited to members of
17 street gangs and drug users or dealers;

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or the
21 Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of his
23 or her blood or urine or both for tests to determine the
24 presence of any illicit drug;

25 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

1 would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
3 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the Internet,
5 a person who is related to the accused and whom the accused
6 reasonably believes to be under 18 years of age; for
7 purposes of this paragraph (17), "Internet" has the meaning
8 ascribed to it in Section 16-0.1 of the Criminal Code of
9 2012; and a person is related to the accused if the person
10 is: (i) the spouse, brother, or sister of the accused; (ii)
11 a descendant of the accused; (iii) a first or second cousin
12 of the accused; or (iv) a step-child or adopted child of
13 the accused;

14 (18) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a misdemeanor that
18 did not involve the intentional or knowing infliction of
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or
8 subsequent violation of subsection (c) of Section 6-303 of the
9 Illinois Vehicle Code, the court shall not require as a
10 condition of the sentence of probation or conditional discharge
11 that the offender be committed to a period of imprisonment in
12 excess of 6 months. This 6-month limit shall not include
13 periods of confinement given pursuant to a sentence of county
14 impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic
19 imprisonment under Article 7 or a sentence to a county impact
20 incarceration program under Article 8 with a sentence of
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes mandatory
24 drug or alcohol testing, or both, or is assigned to be placed
25 on an approved electronic monitoring device, shall be ordered
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved
2 electronic monitoring in accordance with the defendant's
3 ability to pay those costs. The county board with the
4 concurrence of the Chief Judge of the judicial circuit in which
5 the county is located shall establish reasonable fees for the
6 cost of maintenance, testing, and incidental expenses related
7 to the mandatory drug or alcohol testing, or both, and all
8 costs incidental to approved electronic monitoring, involved
9 in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of the
14 circuit court shall pay all moneys collected from these fees to
15 the county treasurer who shall use the moneys collected to
16 defray the costs of drug testing, alcohol testing, and
17 electronic monitoring. The county treasurer shall deposit the
18 fees collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the case
20 may be. The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders, in which a vendor supplies and
23 monitors the operation of the electronic monitoring device, and
24 collects the fees on behalf of the county. The program shall
25 include provisions for indigent offenders and the collection of
26 unpaid fees. The program shall not unduly burden the offender

1 and shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any
3 additional charges or fees for late payment, interest, or
4 damage to any device.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court. The probation department within
11 the circuit to which jurisdiction has been transferred, or
12 which has agreed to provide supervision, may impose probation
13 fees upon receiving the transferred offender, as provided in
14 subsection (i). For all transfer cases, as defined in Section
15 9b of the Probation and Probation Officers Act, the probation
16 department from the original sentencing court shall retain all
17 probation fees collected prior to the transfer. After the
18 transfer, all probation fees shall be paid to the probation
19 department within the circuit to which jurisdiction has been
20 transferred.

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee of

1 \$50 for each month of probation or conditional discharge
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 sentenced to probation or conditional discharge or supervised
5 community service to pay the fee, the court assesses a lesser
6 fee. The court may not impose the fee on a minor who is placed
7 in the guardianship or custody of the Department of Children
8 and Family Services under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers Act.

16 A circuit court may not impose a probation fee under this
17 subsection (i) in excess of \$25 per month unless the circuit
18 court has adopted, by administrative order issued by the chief
19 judge, a standard probation fee guide determining an offender's
20 ability to pay. Of the amount collected as a probation fee, up
21 to \$5 of that fee collected per month may be used to provide
22 services to crime victims and their families.

23 The Court may only waive probation fees based on an
24 offender's ability to pay. The probation department may
25 re-evaluate an offender's ability to pay every 6 months, and,
26 with the approval of the Director of Court Services or the

1 Chief Probation Officer, adjust the monthly fee amount. An
2 offender may elect to pay probation fees due in a lump sum. Any
3 offender that has been assigned to the supervision of a
4 probation department, or has been transferred either under
5 subsection (h) of this Section or under any interstate compact,
6 shall be required to pay probation fees to the department
7 supervising the offender, based on the offender's ability to
8 pay.

9 Public Act 93-970 deletes the \$10 increase in the fee under
10 this subsection that was imposed by Public Act 93-616. This
11 deletion is intended to control over any other Act of the 93rd
12 General Assembly that retains or incorporates that fee
13 increase.

14 (i-5) In addition to the fees imposed under subsection (i)
15 of this Section, in the case of an offender convicted of a
16 felony sex offense (as defined in the Sex Offender Management
17 Board Act) or an offense that the court or probation department
18 has determined to be sexually motivated (as defined in the Sex
19 Offender Management Board Act), the court or the probation
20 department shall assess additional fees to pay for all costs of
21 treatment, assessment, evaluation for risk and treatment, and
22 monitoring the offender, based on that offender's ability to
23 pay those costs either as they occur or under a payment plan.

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar
2 provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

5 (k) Any offender who is sentenced to probation or
6 conditional discharge for a felony sex offense as defined in
7 the Sex Offender Management Board Act or any offense that the
8 court or probation department has determined to be sexually
9 motivated as defined in the Sex Offender Management Board Act
10 shall be required to refrain from any contact, directly or
11 indirectly, with any persons specified by the court and shall
12 be available for all evaluations and treatment programs
13 required by the court or the probation department.

14 (l) The court may order an offender who is sentenced to
15 probation or conditional discharge for a violation of an order
16 of protection be placed under electronic surveillance as
17 provided in Section 5-8A-7 of this Code.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
19 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
20 1-8-18.)

21 (Text of Section after amendment by P.A. 100-987)

22 Sec. 5-6-3. Conditions of probation and of conditional
23 discharge.

24 (a) The conditions of probation and of conditional
25 discharge shall be that the person:

1 (1) not violate any criminal statute of any
2 jurisdiction;

3 (2) report to or appear in person before such person or
4 agency as directed by the court;

5 (3) refrain from possessing a firearm or other
6 dangerous weapon where the offense is a felony or, if a
7 misdemeanor, the offense involved the intentional or
8 knowing infliction of bodily harm or threat of bodily harm;

9 (4) not leave the State without the consent of the
10 court or, in circumstances in which the reason for the
11 absence is of such an emergency nature that prior consent
12 by the court is not possible, without the prior
13 notification and approval of the person's probation
14 officer. Transfer of a person's probation or conditional
15 discharge supervision to another state is subject to
16 acceptance by the other state pursuant to the Interstate
17 Compact for Adult Offender Supervision;

18 (5) permit the probation officer to visit him at his
19 home or elsewhere to the extent necessary to discharge his
20 duties;

21 (6) perform no less than 30 hours of community service
22 and not more than 120 hours of community service, if
23 community service is available in the jurisdiction and is
24 funded and approved by the county board where the offense
25 was committed, where the offense was related to or in
26 furtherance of the criminal activities of an organized gang

1 and was motivated by the offender's membership in or
2 allegiance to an organized gang. The community service
3 shall include, but not be limited to, the cleanup and
4 repair of any damage caused by a violation of Section
5 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
6 2012 and similar damage to property located within the
7 municipality or county in which the violation occurred.
8 When possible and reasonable, the community service should
9 be performed in the offender's neighborhood. For purposes
10 of this Section, "organized gang" has the meaning ascribed
11 to it in Section 10 of the Illinois Streetgang Terrorism
12 Omnibus Prevention Act. The court may give credit toward
13 the fulfillment of community service hours for
14 participation in activities and treatment as determined by
15 court services;

16 (7) if he or she is at least 17 years of age and has
17 been sentenced to probation or conditional discharge for a
18 misdemeanor or felony in a county of 3,000,000 or more
19 inhabitants and has not been previously convicted of a
20 misdemeanor or felony, may be required by the sentencing
21 court to attend educational courses designed to prepare the
22 defendant for a high school diploma and to work toward a
23 high school diploma or to work toward passing high school
24 equivalency testing or to work toward completing a
25 vocational training program approved by the court. The
26 person on probation or conditional discharge must attend a

1 public institution of education to obtain the educational
2 or vocational training required by this paragraph (7). The
3 court shall revoke the probation or conditional discharge
4 of a person who wilfully fails to comply with this
5 paragraph (7). The person on probation or conditional
6 discharge shall be required to pay for the cost of the
7 educational courses or high school equivalency testing if a
8 fee is charged for those courses or testing. The court
9 shall resentence the offender whose probation or
10 conditional discharge has been revoked as provided in
11 Section 5-6-4. This paragraph (7) does not apply to a
12 person who has a high school diploma or has successfully
13 passed high school equivalency testing. This paragraph (7)
14 does not apply to a person who is determined by the court
15 to be a person with a developmental disability or otherwise
16 mentally incapable of completing the educational or
17 vocational program;

18 (8) if convicted of possession of a substance
19 prohibited by the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act after a previous conviction or
22 disposition of supervision for possession of a substance
23 prohibited by the Cannabis Control Act or Illinois
24 Controlled Substances Act or after a sentence of probation
25 under Section 10 of the Cannabis Control Act, Section 410
26 of the Illinois Controlled Substances Act, or Section 70 of

1 the Methamphetamine Control and Community Protection Act
2 and upon a finding by the court that the person is
3 addicted, undergo treatment at a substance abuse program
4 approved by the court;

5 (8.5) if convicted of a felony sex offense as defined
6 in the Sex Offender Management Board Act, the person shall
7 undergo and successfully complete sex offender treatment
8 by a treatment provider approved by the Board and conducted
9 in conformance with the standards developed under the Sex
10 Offender Management Board Act;

11 (8.6) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, refrain from residing at
13 the same address or in the same condominium unit or
14 apartment unit or in the same condominium complex or
15 apartment complex with another person he or she knows or
16 reasonably should know is a convicted sex offender or has
17 been placed on supervision for a sex offense; the
18 provisions of this paragraph do not apply to a person
19 convicted of a sex offense who is placed in a Department of
20 Corrections licensed transitional housing facility for sex
21 offenders;

22 (8.7) if convicted for an offense committed on or after
23 June 1, 2008 (the effective date of Public Act 95-464) that
24 would qualify the accused as a child sex offender as
25 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
26 1961 or the Criminal Code of 2012, refrain from

1 communicating with or contacting, by means of the Internet,
2 a person who is not related to the accused and whom the
3 accused reasonably believes to be under 18 years of age;
4 for purposes of this paragraph (8.7), "Internet" has the
5 meaning ascribed to it in Section 16-0.1 of the Criminal
6 Code of 2012; and a person is not related to the accused if
7 the person is not: (i) the spouse, brother, or sister of
8 the accused; (ii) a descendant of the accused; (iii) a
9 first or second cousin of the accused; or (iv) a step-child
10 or adopted child of the accused;

11 (8.8) if convicted for an offense under Section 11-6,
12 11-9.1, 11-14.4 that involves soliciting for a juvenile
13 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 or any attempt to commit any of these offenses, committed
16 on or after June 1, 2009 (the effective date of Public Act
17 95-983):

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 offender's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer;

16 (8.9) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after January
18 1, 2010 (the effective date of Public Act 96-262), refrain
19 from accessing or using a social networking website as
20 defined in Section 17-0.5 of the Criminal Code of 2012;

21 (9) if convicted ~~of a felony or~~ of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall

1 physically surrender, at a time and place designated by the
2 court, all firearms in his or her possession to a law
3 enforcement officer designated by the court to take custody
4 of and impound the firearms and physically surrender his or
5 her Firearm Owner's Identification Card to the law
6 enforcement agency as a condition of remaining on bond
7 pending sentencing. A defendant whose Firearm Owner's
8 Identification Card has been revoked or suspended may
9 petition the court to transfer the defendant's firearm to a
10 person who is lawfully able to possess the firearm if the
11 person does not reside at the same address as the
12 defendant. Any transfer must be conducted under Section 3
13 of the Firearm Owners Identification Card Act. The
14 transferee who receives the defendant's firearms must
15 swear or affirm by affidavit that he or she shall not
16 transfer the firearm to the defendant or to anyone residing
17 in the same residence as the defendant, until the
18 defendant's Firearm Owner's Identification Card has been
19 reinstated. The law enforcement agency, upon transfer of
20 the firearms, shall require the defendant to complete a
21 Firearm Disposition Record under Section 9.5 of the Firearm
22 Owner's Identification Card Act and provide a copy to the
23 Department of State Police along with the defendants
24 Firearm Owner's Identification Card ~~physically surrender~~
25 ~~at a time and place designated by the court, his or her~~
26 ~~Firearm Owner's Identification Card and any and all~~

1 ~~firearms in his or her possession. The Court shall return~~
2 ~~to the Department of State Police Firearm Owner's~~
3 ~~Identification Card Office the person's Firearm Owner's~~
4 ~~Identification Card;~~

5 (10) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 offender is a parent or guardian of the person under 18
8 years of age present in the home and no non-familial minors
9 are present, not participate in a holiday event involving
10 children under 18 years of age, such as distributing candy
11 or other items to children on Halloween, wearing a Santa
12 Claus costume on or preceding Christmas, being employed as
13 a department store Santa Claus, or wearing an Easter Bunny
14 costume on or preceding Easter;

15 (11) if convicted of a sex offense as defined in
16 Section 2 of the Sex Offender Registration Act committed on
17 or after January 1, 2010 (the effective date of Public Act
18 96-362) that requires the person to register as a sex
19 offender under that Act, may not knowingly use any computer
20 scrub software on any computer that the sex offender uses;

21 (12) if convicted of a violation of the Methamphetamine
22 Control and Community Protection Act, the Methamphetamine
23 Precursor Control Act, or a methamphetamine related
24 offense:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate; ~~and~~

5 (13) if convicted of a hate crime involving the
6 protected class identified in subsection (a) of Section
7 12-7.1 of the Criminal Code of 2012 that gave rise to the
8 offense the offender committed, perform public or
9 community service of no less than 200 hours and enroll in
10 an educational program discouraging hate crimes that
11 includes racial, ethnic, and cultural sensitivity training
12 ordered by the court; ~~and~~

13 (14) if convicted of a felony, the defendant shall
14 physically surrender, at a time and place designated by the
15 court, all firearms in his or her possession to a law
16 enforcement officer designated by the court to take custody
17 of and impound the firearms and physically surrender his or
18 her Firearm Owner's Identification Card to the law
19 enforcement agency as a condition of remaining on bond
20 pending sentencing. A defendant whose Firearm Owner's
21 Identification Card has been revoked or suspended may
22 petition the court to transfer the defendant's firearm to a
23 person who is lawfully able to possess the firearm if the
24 person does not reside at the same address as the
25 defendant. Any transfer must be conducted under Section 3
26 of the Firearm Owners Identification Card Act. The

1 transferee who receives the defendant's firearms must
2 swear or affirm by affidavit that he or she shall not
3 transfer the firearm to the defendant or to anyone residing
4 in the same residence as the defendant, until the
5 defendant's Firearm Owner's Identification Card has been
6 reinstated. The law enforcement agency, upon transfer of
7 the firearms, shall require the defendant to complete a
8 Firearm Disposition Record under Section 9.5 of the Firearm
9 Owners Identification Card Act and provide a copy to the
10 Department of State Police along with the defendants
11 Firearm Owner's Identification Card; and

12 (15) if the person is under 21 years of age and has
13 been convicted of a misdemeanor offense other than a
14 traffic offense, the defendant shall physically surrender,
15 at a time and place designated by the court, all firearms
16 in his or her possession to a law enforcement officer
17 designated by the court to take custody of and impound the
18 firearms and physically surrender his or her Firearm
19 Owner's Identification Card to the law enforcement agency
20 as a condition of remaining on bond pending sentencing. A
21 defendant whose Firearm Owner's Identification Card has
22 been revoked or suspended may petition the court to
23 transfer the defendant's firearm to a person who is
24 lawfully able to possess the firearm if the person does not
25 reside at the same address as the defendant. Any transfer
26 must be conducted under Section 3 of the Firearm Owners

1 Identification Card Act. The transferee who receives the
2 defendant's firearms must swear or affirm by affidavit that
3 he or she shall not transfer the firearm to the defendant
4 or to anyone residing in the same residence as the
5 defendant, until the defendant's Firearm Owner's
6 Identification Card has been reinstated. The law
7 enforcement agency, upon transfer of the firearms, shall
8 require the defendant to complete a Firearm Disposition
9 Record under Section 9.5 of the Firearm Owners
10 Identification Card Act and provide a copy to the
11 Department of State Police along with the defendants
12 Firearm Owner's Identification Card.

13 (b) The Court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the Court require that
17 the person:

18 (1) serve a term of periodic imprisonment under Article
19 7 for a period not to exceed that specified in paragraph
20 (d) of Section 5-7-1;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his dependents;

3 (7) and in addition, if a minor:

4 (i) reside with his parents or in a foster home;

5 (ii) attend school;

6 (iii) attend a non-residential program for youth;

7 (iv) contribute to his own support at home or in a
8 foster home;

9 (v) with the consent of the superintendent of the
10 facility, attend an educational program at a facility
11 other than the school in which the offense was
12 committed if he or she is convicted of a crime of
13 violence as defined in Section 2 of the Crime Victims
14 Compensation Act committed in a school, on the real
15 property comprising a school, or within 1,000 feet of
16 the real property comprising a school;

17 (8) make restitution as provided in Section 5-5-6 of
18 this Code;

19 (9) perform some reasonable public or community
20 service;

21 (10) serve a term of home confinement. In addition to
22 any other applicable condition of probation or conditional
23 discharge, the conditions of home confinement shall be that
24 the offender:

25 (i) remain within the interior premises of the
26 place designated for his confinement during the hours

1 designated by the court;

2 (ii) admit any person or agent designated by the
3 court into the offender's place of confinement at any
4 time for purposes of verifying the offender's
5 compliance with the conditions of his confinement; and

6 (iii) if further deemed necessary by the court or
7 the Probation or Court Services Department, be placed
8 on an approved electronic monitoring device, subject
9 to Article 8A of Chapter V;

10 (iv) for persons convicted of any alcohol,
11 cannabis or controlled substance violation who are
12 placed on an approved monitoring device as a condition
13 of probation or conditional discharge, the court shall
14 impose a reasonable fee for each day of the use of the
15 device, as established by the county board in
16 subsection (g) of this Section, unless after
17 determining the inability of the offender to pay the
18 fee, the court assesses a lesser fee or no fee as the
19 case may be. This fee shall be imposed in addition to
20 the fees imposed under subsections (g) and (i) of this
21 Section. The fee shall be collected by the clerk of the
22 circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The
24 clerk of the circuit court shall pay all monies
25 collected from this fee to the county treasurer for
26 deposit in the substance abuse services fund under

1 Section 5-1086.1 of the Counties Code, except as
2 provided in an administrative order of the Chief Judge
3 of the circuit court.

4 The Chief Judge of the circuit court of the county
5 may by administrative order establish a program for
6 electronic monitoring of offenders, in which a vendor
7 supplies and monitors the operation of the electronic
8 monitoring device, and collects the fees on behalf of
9 the county. The program shall include provisions for
10 indigent offenders and the collection of unpaid fees.
11 The program shall not unduly burden the offender and
12 shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend
14 any additional charges or fees for late payment,
15 interest, or damage to any device; and

16 (v) for persons convicted of offenses other than
17 those referenced in clause (iv) above and who are
18 placed on an approved monitoring device as a condition
19 of probation or conditional discharge, the court shall
20 impose a reasonable fee for each day of the use of the
21 device, as established by the county board in
22 subsection (g) of this Section, unless after
23 determining the inability of the defendant to pay the
24 fee, the court assesses a lesser fee or no fee as the
25 case may be. This fee shall be imposed in addition to
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the
2 circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The
4 clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer who
6 shall use the monies collected to defray the costs of
7 corrections. The county treasurer shall deposit the
8 fee collected in the probation and court services fund.
9 The Chief Judge of the circuit court of the county may
10 by administrative order establish a program for
11 electronic monitoring of offenders, in which a vendor
12 supplies and monitors the operation of the electronic
13 monitoring device, and collects the fees on behalf of
14 the county. The program shall include provisions for
15 indigent offenders and the collection of unpaid fees.
16 The program shall not unduly burden the offender and
17 shall be subject to review by the Chief Judge.

18 The Chief Judge of the circuit court may suspend
19 any additional charges or fees for late payment,
20 interest, or damage to any device.

21 (11) comply with the terms and conditions of an order
22 of protection issued by the court pursuant to the Illinois
23 Domestic Violence Act of 1986, as now or hereafter amended,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory. A copy of the
26 order of protection shall be transmitted to the probation

1 officer or agency having responsibility for the case;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

11 (17) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464) that
13 would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961 or the Criminal Code of 2012, refrain from
16 communicating with or contacting, by means of the Internet,
17 a person who is related to the accused and whom the accused
18 reasonably believes to be under 18 years of age; for
19 purposes of this paragraph (17), "Internet" has the meaning
20 ascribed to it in Section 16-0.1 of the Criminal Code of
21 2012; and a person is related to the accused if the person
22 is: (i) the spouse, brother, or sister of the accused; (ii)
23 a descendant of the accused; (iii) a first or second cousin
24 of the accused; or (iv) a step-child or adopted child of
25 the accused;

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that
2 would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 subject's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer; and

2 (19) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a misdemeanor that
4 did not involve the intentional or knowing infliction of
5 bodily harm or threat of bodily harm.

6 (c) The court may as a condition of probation or of
7 conditional discharge require that a person under 18 years of
8 age found guilty of any alcohol, cannabis or controlled
9 substance violation, refrain from acquiring a driver's license
10 during the period of probation or conditional discharge. If
11 such person is in possession of a permit or license, the court
12 may require that the minor refrain from driving or operating
13 any motor vehicle during the period of probation or conditional
14 discharge, except as may be necessary in the course of the
15 minor's lawful employment.

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

19 (e) Except where the offender has committed a fourth or
20 subsequent violation of subsection (c) of Section 6-303 of the
21 Illinois Vehicle Code, the court shall not require as a
22 condition of the sentence of probation or conditional discharge
23 that the offender be committed to a period of imprisonment in
24 excess of 6 months. This 6-month limit shall not include
25 periods of confinement given pursuant to a sentence of county
26 impact incarceration under Section 5-8-1.2.

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

4 (f) The court may combine a sentence of periodic
5 imprisonment under Article 7 or a sentence to a county impact
6 incarceration program under Article 8 with a sentence of
7 probation or conditional discharge.

8 (g) An offender sentenced to probation or to conditional
9 discharge and who during the term of either undergoes mandatory
10 drug or alcohol testing, or both, or is assigned to be placed
11 on an approved electronic monitoring device, shall be ordered
12 to pay all costs incidental to such mandatory drug or alcohol
13 testing, or both, and all costs incidental to such approved
14 electronic monitoring in accordance with the defendant's
15 ability to pay those costs. The county board with the
16 concurrence of the Chief Judge of the judicial circuit in which
17 the county is located shall establish reasonable fees for the
18 cost of maintenance, testing, and incidental expenses related
19 to the mandatory drug or alcohol testing, or both, and all
20 costs incidental to approved electronic monitoring, involved
21 in a successful probation program for the county. The
22 concurrence of the Chief Judge shall be in the form of an
23 administrative order. The fees shall be collected by the clerk
24 of the circuit court, except as provided in an administrative
25 order of the Chief Judge of the circuit court. The clerk of the
26 circuit court shall pay all moneys collected from these fees to

1 the county treasurer who shall use the moneys collected to
2 defray the costs of drug testing, alcohol testing, and
3 electronic monitoring. The county treasurer shall deposit the
4 fees collected in the county working cash fund under Section
5 6-27001 or Section 6-29002 of the Counties Code, as the case
6 may be. The Chief Judge of the circuit court of the county may
7 by administrative order establish a program for electronic
8 monitoring of offenders, in which a vendor supplies and
9 monitors the operation of the electronic monitoring device, and
10 collects the fees on behalf of the county. The program shall
11 include provisions for indigent offenders and the collection of
12 unpaid fees. The program shall not unduly burden the offender
13 and shall be subject to review by the Chief Judge.

14 The Chief Judge of the circuit court may suspend any
15 additional charges or fees for late payment, interest, or
16 damage to any device.

17 (h) Jurisdiction over an offender may be transferred from
18 the sentencing court to the court of another circuit with the
19 concurrence of both courts. Further transfers or retransfers of
20 jurisdiction are also authorized in the same manner. The court
21 to which jurisdiction has been transferred shall have the same
22 powers as the sentencing court. The probation department within
23 the circuit to which jurisdiction has been transferred, or
24 which has agreed to provide supervision, may impose probation
25 fees upon receiving the transferred offender, as provided in
26 subsection (i). For all transfer cases, as defined in Section

1 9b of the Probation and Probation Officers Act, the probation
2 department from the original sentencing court shall retain all
3 probation fees collected prior to the transfer. After the
4 transfer, all probation fees shall be paid to the probation
5 department within the circuit to which jurisdiction has been
6 transferred.

7 (i) The court shall impose upon an offender sentenced to
8 probation after January 1, 1989 or to conditional discharge
9 after January 1, 1992 or to community service under the
10 supervision of a probation or court services department after
11 January 1, 2004, as a condition of such probation or
12 conditional discharge or supervised community service, a fee of
13 \$50 for each month of probation or conditional discharge
14 supervision or supervised community service ordered by the
15 court, unless after determining the inability of the person
16 sentenced to probation or conditional discharge or supervised
17 community service to pay the fee, the court assesses a lesser
18 fee. The court may not impose the fee on a minor who is placed
19 in the guardianship or custody of the Department of Children
20 and Family Services under the Juvenile Court Act of 1987 while
21 the minor is in placement. The fee shall be imposed only upon
22 an offender who is actively supervised by the probation and
23 court services department. The fee shall be collected by the
24 clerk of the circuit court. The clerk of the circuit court
25 shall pay all monies collected from this fee to the county
26 treasurer for deposit in the probation and court services fund

1 under Section 15.1 of the Probation and Probation Officers Act.

2 A circuit court may not impose a probation fee under this
3 subsection (i) in excess of \$25 per month unless the circuit
4 court has adopted, by administrative order issued by the chief
5 judge, a standard probation fee guide determining an offender's
6 ability to pay. Of the amount collected as a probation fee, up
7 to \$5 of that fee collected per month may be used to provide
8 services to crime victims and their families.

9 The Court may only waive probation fees based on an
10 offender's ability to pay. The probation department may
11 re-evaluate an offender's ability to pay every 6 months, and,
12 with the approval of the Director of Court Services or the
13 Chief Probation Officer, adjust the monthly fee amount. An
14 offender may elect to pay probation fees due in a lump sum. Any
15 offender that has been assigned to the supervision of a
16 probation department, or has been transferred either under
17 subsection (h) of this Section or under any interstate compact,
18 shall be required to pay probation fees to the department
19 supervising the offender, based on the offender's ability to
20 pay.

21 Public Act 93-970 deletes the \$10 increase in the fee under
22 this subsection that was imposed by Public Act 93-616. This
23 deletion is intended to control over any other Act of the 93rd
24 General Assembly that retains or incorporates that fee
25 increase.

26 (i-5) In addition to the fees imposed under subsection (i)

1 of this Section, in the case of an offender convicted of a
2 felony sex offense (as defined in the Sex Offender Management
3 Board Act) or an offense that the court or probation department
4 has determined to be sexually motivated (as defined in the Sex
5 Offender Management Board Act), the court or the probation
6 department shall assess additional fees to pay for all costs of
7 treatment, assessment, evaluation for risk and treatment, and
8 monitoring the offender, based on that offender's ability to
9 pay those costs either as they occur or under a payment plan.

10 (j) All fines and costs imposed under this Section for any
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
12 Code, or a similar provision of a local ordinance, and any
13 violation of the Child Passenger Protection Act, or a similar
14 provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under the Criminal
16 and Traffic Assessment Act.

17 (k) Any offender who is sentenced to probation or
18 conditional discharge for a felony sex offense as defined in
19 the Sex Offender Management Board Act or any offense that the
20 court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order
2 of protection be placed under electronic surveillance as
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
5 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
6 1-8-18; 100-987, eff. 7-1-19.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."